

# REQUIREMENTS FOR A VARIANCE

An Area Variance is authorization by the Barron County Board of Adjustment to vary one or more of the dimensional or physical requirements of the Zoning Ordinance in connection with a proposed construction. **It is the responsibility of the property owner to provide proof to the Board of Adjustment as to the need for the variance, and show that all three statutory requirements are met.** At the hearing, the property owner must appear in person, or be represented by an agent, to submit the evidence. The Board of Adjustment must make a decision based only on the evidence submitted at the time of the hearing. In the event that you or your agent are not present, the Board of Adjustment may not have sufficient evidence to rule in your favor and must deny your application.

## **ANY VARIANCE REQUEST CAN ONLY BE GRANTED IF ALL THREE STATUTORY REQUIREMENTS ARE MET:**

### **1.) UNNECESSARY HARDSHIP:**

- Compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- A hardship exists only if the property owner shows there is no reasonable use of the property without a variance.
- The property as a whole is considered, rather than a portion of the parcel.
- Decks and other accessory structures are not considered essential to the reasonable use of a property.
- The hardship cannot be self-imposed.
- Owner has the duty to investigate alternatives to the request.

### **2.) UNIQUE PROPERTY LIMITATIONS:**

- Must be due to factors such as steep slopes, wetlands or other site conditions that prevent compliance with the Ordinance.
- Lack of objections from neighbors, nearby ordinance violation, do not provide grounds for granting a variance.
- Personal circumstances, conveniences or preferences do not justify a variance.

### **3.) NO HARM TO PUBLIC INTERESTS:**

- The purpose and/or intent statements of the Ordinance, outlines public interest factors.
- Interests may include, but not limited to: promoting and maintaining public health, safety, and welfare, protecting water quality, protecting fish and wildlife, protecting scenic beauty, minimizing property damage and drainage issues.
- The variance will not harm the purpose or intent of the ordinance
- The effect of a variance on the community interests must be considered, not public patrons or clientele.
- Short-term, long-term and cumulative impacts of a variance must be considered.