

**CITY OF BURLINGTON
BOARD OF ADJUSTMENT
ZONING VARIANCE APPLICATION**



The Board of Adjustment meets the second Tuesday of every month at 8:30 a.m. in the City Council Chambers. This application is to be completed by the applicant and returned according to the dates and times on the attached schedule along with a \$200.00 non-refundable filing fee.

Date: _____ Date of Meeting: _____

Name: _____

Address: _____

Phone Number: _____

Address or location where variance is requested: _____

Variance requested from ordinance section(s): _____

Reason for variance: _____

Property zoned: _____

Factors relevant to the issuance of a variance:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the board is required to reach four conclusions as a prerequisite to the issuance of a variance:

- (1) That there are unnecessary hardships in the way of carrying out the strict letter of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (2) That the hardship results from conditions that are peculiar to the property such as location, size, or topography. Hardships resulting from personal circumstances, as well

as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

- (3) That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship and;
- (4) That the requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved.

In the following spaces, indicate the facts that you intend to show and the arguments you intend to make to convince the Board that it can properly reach these required conclusions.

- 1) **THERE ARE UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.** (State facts and arguments to show how abiding by the code would create a hardship on the property. It is not necessary to demonstrate that without the variance, no reasonable use of the property can be made).

Statement by Applicant: _____

- 2) **THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY SUCH AS LOCATION, SIZE, OR TOPOGRAHY.** (State facts and arguments to show that conditions exist on the property that are not from personal circumstances or resulting from conditions that are common to the neighborhood or the general public, as these cannot be the basis for granting a variance).

Statement by Applicant: _____

3) **THE HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE APPLICANT OR THE PROPERTY OWNER.** (State facts and arguments to show that no action was taken by the applicant to create the hardship being described. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship).
Statement by Applicant: _____

4) **THE REQUESTED VARIANCE IS CONSISTENT WITH THE SPIRIT, PURPOSE, AND INTENT OF THE ORDINANCE SUCH THAT PUBLIC SAFETY IS SECURED AND SUBSTANTIAL JUSTICE IS ACHIEVED.** (State facts and arguments to show that if the variance is granted, a reasonable use of property will not substantially detract from the character of the neighborhood and that if the variance is denied, the benefit to the public, on balance, will be substantially outweighed by the harm suffered by the applicant).
Statement by Applicant: _____

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Signature

OFFICE USE ONLY

Application reviewed by: _____

Date: _____

Date of Meeting: _____



**City of Burlington Board of Adjustment Meeting Schedule and
Plan Submittal Deadlines 2018-2019**

BOA Regular Meeting Schedule

Application Submittal Deadline	Meeting: Dates
Cut-off at 5:00 p.m. Planning Dept.	8:30 a.m. Council Chambers, Municipal
January 24, 2018	February 13, 2018
February 21, 2018	March 13, 2018
March 21, 2018	April 10, 2018
April 18, 2018	May 8, 2018
May 23, 2018	June 12, 2018
June 20, 2018	July 10, 2018
July 25, 2018	August 14, 2018
August 22, 2018	September 11, 2018
September 19, 2018	October 9, 2018
October 24, 2018	November 13, 2018
November 21, 2018	December 11, 2018
December 19, 2018	January 9, 2019
January 23, 2019	February 12, 2019
February 20, 2019	March 12, 2019
March 20, 2019	April 9, 2019