

## VARIANCES AND APPEALS TO THE ZONING REGULATIONS

The Douglas County Board of Adjustment was established to hear and decide upon variances and appeals to the zoning regulations. A VARIANCE is a request for relief from a certain provision of the zoning regulations.

VARIANCES may only be requested for:

- the minimum area of a lot;
- the maximum height of structures or fences
- the minimum setback requirements;
- the minimum off-street parking requirements;
- the maximum devegetation area for keeping livestock

A use variance or a variance authorizing a zoning violation shall be strictly prohibited.

A VARIANCE may be granted if the Assistant Director or the Board of Adjustment finds that a strict application of the regulations causes peculiar and exceptional practical difficulty or exceptional and undue hardship due to:

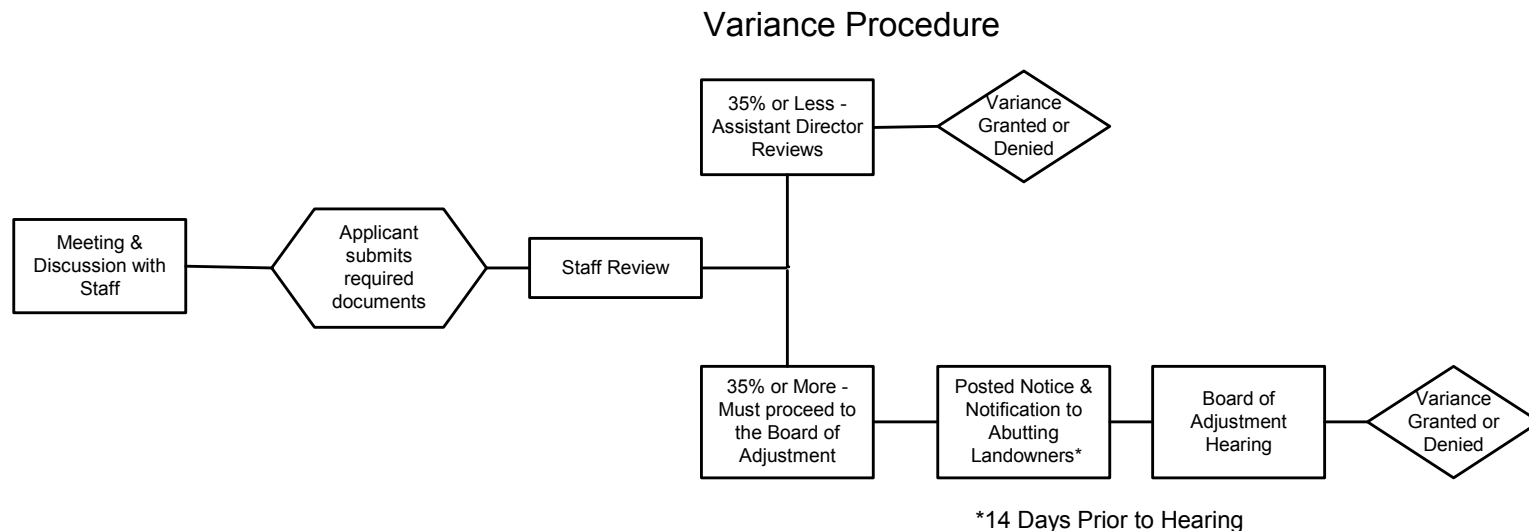
- the exceptional narrowness or shallowness or shape of the lot; or
- topographic condition; or
- other exceptional or extraordinary situation or condition of the land

if, granting the variance does not cause substantial detriment to the public good and does not substantially impair the intent and purpose of the Zoning Resolution. If a variance request is 35% or less then the Planning Division Director could handle the application administratively. Requests more than 35% must be processed in front of the Board of Adjustment. It takes a vote of four of the five members to grant a variance.

Evidence must be provided to show the request is not the result of a self-imposed hardship, which can be rectified by means other than through a variance.

## Variance Procedure

1. The applicant discusses the variance with staff.
2. The applicant submits the required documents and fees.
3. Staff reviews the application and determines whether or not the request will be handled administratively or in front of the Board of Adjustment.
4. If the request is 35% or less then it may proceed to the Planning Division Director to be granted or denied.
5. If the request is for more than 35% then it must be scheduled for a hearing with the Board of Adjustment. The applicant must post a notice on site and notify abutting landowners by certified mail at least 14 days prior to the hearing. The applicant must also provide proof of posting and mailing to the Planning Division at least 7 days prior to the hearing.
6. The Board of Adjustment then hears the variance at a public hearing and either grants or denies the request.



An APPEAL may be made by any person who feels that an administrative decision made by an official in the course of the administration of the zoning regulations was made in error.

An APPEAL may be granted only if the Board finds that the official has erred in interpreting the zoning regulations, that no substantial detriment to the public good is created, and that the intent and purpose of the Zoning Resolution is not impaired. It takes a vote of four of the five members to grant an appeal.

Appeal Procedure

1. The applicant discusses the appeal with staff.
2. The applicant submits the required documents.
3. Staff reviews the application and schedules the appeal before the Board of Adjustment.
4. The applicant must post a notice on site and notify abutting landowners by certified mail at least 14 days prior to the hearing. The applicant must also provide proof of posting and mailing to the Planning Division at least 7 days prior to the hearing.
5. The Board of Adjustment then hears the appeal at a public hearing and either decides in favor of the applicant or the determination of such administrative official.

NOTE: Construction pursuant to an approved variance must be completed within 5 years, otherwise the variance is void.  
*For more information refer to Section 26 Variance and Appeals Standards and Procedure.*

