Variance Application
Submittal and Review Procedures (16.08.090)

►*A "**Variance**" is an authorization for a property owner to depart from the literal requirements of a zoning ordinance as it applies to his/her land.*

►*The applicant has the burden of demonstrating that **unnecessary hardship or practical difficulties** will result from the literal application of the zoning ordinance to the applicant's property. The issuance of a variance is discretionary and not a matter of right. It is the applicant's responsibility to justify the need for a variance.* ****** Make sure the information listed below is included in the Application******

►*A variance, once granted, shall run with the land. All privileges granted pursuant to a variance application shall be exercised within three hundred sixty-five (365) days of the date of approval unless otherwise provided by the Planning Commission.*

►*Variance requests that are within 10% of the code are considered minor variance requests and are reviewed by the Planning Director. In this case you will need to fill out an Administrative Variance Application.*

►In order to approve a variance, the Planning Commission shall make the following findings:

a. *The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.*
b. *The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of the property.*
c. *Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.*
d. *The proposed variance is consistent with the intent and purpose of this title.*

*****INFORMATION TO SUPPORT THESE FINDINGS MUST BE INCLUDED IN THE APPLICATION*****

►Variance application completion and submittal:

1. **Pre-application meeting** with Planning Department staff prior to completing the application to discuss information to be provided and the procedure to be followed.

2. **Complete** the Variance application and compile supporting documentation.
   ►**Ensure** all sections of the application are complete and accurate
   ►Attach pictures, plans, drawings, etc. to aid the Planning Commission in making their decision

3. **Draft application review** -once the application is complete (but prior to signing and making copies) a meeting should be set up with Planning Department staff to review the application.

4. **Submit the Variance application packet with the $300 filing fee -** submit the original application and ten (10) collated copies of the application and accompanying information (maps or plans should be no larger than 11" x 17").

Reference Document –Remove this page prior to making copies & submitting application

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►Staff review and notification procedures:

1. Within 7 days of the filing of the application the Planning Department will provide written notification of application completeness and the date of the public.

2. County staff will review the application and prepare a staff report for the Planning Commission.

3. At least 10 days prior to the public hearing staff will notify all property owners within 300 feet of the subject property (at least 30 unique property owners will be notified) of the proposed application.

4. Three (3) working days prior to the public hearing the agenda is posted and the applicant is provided written notification of the appointed time for the application to be heard. The applicant or a representative must appear before the Planning Commission to present the application and justify why the variance should be approved.

5. Following the hearing, the Planning Commission shall determine if there is a preponderance of evidence in the record to support the findings required by the code and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the application.

6. Any decision of the Planning Commission may be appealed to the Board of County Commissioners. Appeals must be filed in writing within **10 calendar days of the decision of the Planning Commission.**

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VARIANCE APPLICATON

DATE RECEIVED _____
PUBLIC HEARING DATE _____
FILING FEE CHECK NO. _____

Name:	
Address:	
	Zip:
Phone:	
Contact Person:	

Street address of property where Variance is being requested _____

Parcel No._____ Zoning _____

Parcel Size _____ Amount of Water Right _____

(If more room is needed to answer the following questions please attach a separate sheet)

1. Which section(s) and requirements of the Churchill County Code is the variance being applied for?

_____

2. Why are you applying for a variance? Describe what you want to do and the practical difficulties that make it impossible for you to meet the code or how the strict application of the regulation would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property.

_____

_____

_____

_____

_____

3. Describe the impact on surrounding properties (e.g. property values, neighborhood characteristics, public safety) that may result if variance is granted.

_____

_____

_____

_____

4. Describe how the property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations. **Please note: this is N/A to an application for a variance for the age of a manufactured home.**

5. Describe how the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

7. Describe how granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to, the property or improvements in the vicinity.

8. Are you only applying for a variance from the age of a manufactured home? Yes ☐ No ☐
If yes, please describe how the condition of the manufactured home is substantially the same or better than that required by code, specifically with regard to the condition of the home and the wiring.

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF _____)

_____, being duly sworn, deposes and says that he/she has an interest in the property described in the foregoing application; that he/she has read said application and knows the contents thereof; that the statements therein are true and correct to his/her knowledge except those clearly indicated to be true and correct to his/her belief within the limits of his/her knowledge; that the zoning ordinances for a variance have been read, understood and complied with.

Signed_____

Subscribed and sworn to before me

This _____ day of_____, 20___ by _____.

_____
Notary Public

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Please check the exhibits/documents that are attached to your application:

☐ 1. Site plan that clearly describes the property and existing buildings, facilities and property characteristics. The site plan must contain the following information as applicable:

Parcel number	Total Acreage
North Arrow	Scale
Project site acreage	Existing Zoning
Existing and proposed public streets and sidewalks	Easements
Existing and proposed utilities	Existing and proposed structures
Adjoining APN & owners	

☐ 2. One deed showing ownership of the property, or if the property is being leased or purchased, a letter from the landowner stating approval for application of the variance or a copy of the lease agreement of the subject property.

☐ 3. Pictures depicting the condition of the home or property.