



Franklin County

Planning and Building Department

Jerrod B. MacPherson—Director

PLANNING DIVISION

VARIANCE PERMIT APPLICATION REQUIREMENTS

- Land Development Application.
- \$400.00 Conditional Use Permit Fee – **Checks made payable to the Franklin County Planning and Building Department.**
- \$80.00 Certificate of Ownership and Variance Report Fee: **Check made payable to the Franklin County Assessor’s Office.** *An applicant **does not** need to contact the Assessor’s Office to obtain this report.* At the time of application, the Planning Division will request the report from the Assessor’s Office. The report includes the Title Information (title certificate) and the Adjoining Property Owners Names and Addresses (500 feet within an Urban Growth Area or one (1) mile outside an Urban Growth Boundary). As an alternative to the Assessor’s Office, an applicant may also obtain this report from a licensed title company.
- Answer the application requirement questions identified in the Variance Chapter of the County Development Regulations.

* All application materials shall be submitted to the Planning Division.

* All variance permit applications require that proper notice be given (surrounding property owners and newspaper) and one (1) open record public hearing be held before the Franklin County Planning Commissioners with final review by the Board of Commissioners.

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PLANNING DIVISION LAND DEVELOPMENT APPLICATION

Application Number: _____

Applicant/Representative:

Existing Land Use Zoning District(s):

Name: _____

Address: _____

Legal Description of Property: _____

Phone: (____) _____

Cellular(____) _____

Fax: (____) _____

Site Address: _____

Owner(s): (attach additional sheet if necessary)

Total Acreage Involved: _____

Name: _____

Source of Water: _____

Address: _____

Source of Irrigation: _____

Sewage Disposal System: _____

Phone: (____) _____

Source of Power: _____

Cellular: (____) _____

Comprehensive Plan: _____

Fax: (____) _____

Description of Improvements on Property: _____

Existing Use of Site/Property: _____

Proposed Development Application Request (Specify; Short Plat, Cond Use, Zone Change, Home Occupation, etc.)

We, the undersigned, hereby authorize the filing of this application and certify that the information contained in this application is complete and correct to the best of our knowledge. This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

() Owner _____ Date _____

() Applicant/Representative _____ Date _____

Print Name: _____

Print Name: _____



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VARIANCE APPLICATIONS

APPLICATION REQUIREMENTS

In accordance with Chapter(s) 41 and 42 of the Franklin County Zoning Ordinance the following application information shall be submitted to the Franklin County Planning and Building Department:

- (1) Present use of the land and structures, if any;
- (2) Detailed description of the proposed use;
- (3) Description of any existing zoning ordinance violation;
- (4) A site map or plan drawn neatly and to scale, showing the following:
 - (a) Exterior property lines and any adjacent public street or alley rights-of-way;
 - (b) Existing and proposed buildings and other structures;
 - (c) Existing and proposed points of ingress and egress, drives and driveways and circulation pattern;
 - (d) The location of existing and proposed parking areas with each parking space shown;
 - (e) Existing and proposed open spaces and landscape areas;
- (5) A Certificate of Ownership and a list of owners, with addresses, of all property within five hundred feet of the applicant's property within an Urban Growth Area Boundary and one mile outside of Urban Growth Area Boundaries, as provided and certified by a licensed title company or the County Assessor's Office;
- (6) Any other pertinent information that may be necessary to determine if the use meets the requirements of the Franklin County Zoning Ordinance.

PROCEDURAL REQUIREMENTS

The procedural steps for variance applications are in accordance with Chapter(s) 41 and 42 of the Franklin County Zoning Ordinance. The following procedural steps, under the administration of the Franklin County Planning Department, shall be followed:

I AUTHORIZATION.

The County Commissioners, after proper public hearings, may vary or modify requirements of this ordinance where strict application would cause an undue or unnecessary hardship. **No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.** Variances will, under most circumstances be limited to requirements governing yards, lot dimensions and coverage, heights, and parking areas. In granting a variance, the County Commissioners may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity, and otherwise achieve the purpose of this ordinance.

II PUBLIC HEARING REQUIRED.

Upon the filing of a complete application for a variance, the application shall be scheduled for a open record pre-decision hearing before the Planning Commission. Notice of such open record hearing shall be given as provided for in Chapter 43 of the Franklin County Zoning Ordinance. Except that in the case of commercial agricultural uses, the notification distance shall be increased to 1,000 feet. The open record hearing may be continued as deemed necessary by the Planning Commission, provided the applicant consents to any such continuance. In the event the applicant does not consent to a continuance, the Planning Commission shall close the public hearing and render a recommendation to the Board of Commissioners in accordance with the provisions below.

III FINDINGS OF FACT BY PLANNING COMMISSION.

Upon conclusion of the open record pre-decision hearing, the Planning Commission shall make and enter findings from the record and conclusions thereof as to whether or not:

- (1) The proposal is in accordance with the goals, policies, objectives, maps and/or narrative text of the Comprehensive Plan;
- (2) The proposal will adversely affect public infrastructure;
- (3) The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
- (4) The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof;
- (5) The operations in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district;
- (6) The proposal will endanger the public health, or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district.

IV RECOMMENDATION OF PLANNING COMMISSION.

After a open record pre-decision hearing on a proposed variance application, the Planning Commission shall render a recommendation to the Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

V BOARD OF COMMISSIONERS CONSIDERATION.

- (1) Unless a proper and timely appeal is filed or the Board by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be effected by proper action of the Board without further review. In the event the Board deems further review is necessary, it shall conduct a closed record hearing, notice of which shall be given in accordance with Chapter 43 of the Zoning Ordinance.
- (2) In those cases which require further review, the Board shall at the conclusion of a closed record hearing make and enter findings of fact and take one of the following actions:
 - (a) Approve the variance application with or without conditions;
 - (b) Deny the variance application.

VI FINDINGS.

The Board of County Commissioners may approve an application for a variance if it finds:

- (1) That exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district or vicinity, and result from lot size, shape, topography or other circumstances over which the applicant has no control;
- (2) That the variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zoning district or vicinity;
- (3) That the granting of the variance will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (4) That the variance would not be materially detrimental to the intent of this ordinance, or the property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the objectives of any County plan or policy and the variance requested is the minimum variance which would alleviate the hardship.

VII REAPPLICATION.

- (1) Any recommendation of the Planning Commission regarding a variance application may be appealed in accordance with one of the following methods:
 - (a) Applicant. Within ten calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planner stating the basis of appeal from said recommendation;
 - (b) Other Person. Within ten calendar days from the date of the Planning Commission recommendation, any person aggrieved by said decision files written appeal with the Planner stating the harm to be experienced by such person as a result of the Planning Commission's recommendation;
 - (c) A proper and timely filed appeal shall cause the Board of Commissioners to schedule a closed record hearing, notice of which shall be given in accordance with Amendments and Rezones to consider the appeal of the Planning Commission's recommendation.
- (2) Either method of appeal shall include payment of an appeal fee in the amount of one hundred dollars (\$100) at the time of filing said appeal.