

VARIANCE CRITERIA

FOR THE PORTAGE COUNTY BOARD OF ADJUSTMENT

The purpose of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life control building sites, placement of structures and land uses and preserve shore cover and natural beauty.

To qualify for a variance, an applicant **must show** they meet the following three criteria:

UNNECESSARY HARDSHIP

The first test requires a property owner to indicate what type of variance is being requested: **area variance** or **use variance**.

Unnecessary hardship for **AREA VARIANCE** cases: “whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”

Unnecessary hardship for **USE VARIANCE** cases: whether compliance with the strict letter of the restrictions governing use would prevent the owner any reasonable use of their property and that it would make the property useless.

UNIQUE PROPERTY CHARACTERISTICS

The second test requires the applicant to show hardship is the result of physical features of the property that prevents compliance with the ordinance. For example, wetlands, high bedrock or steep slopes may limit building sites. Physical limitations of the property, not the circumstances of the applicant are the basis for this criterion. An applicants growing family or desire for more vehicle storage, etc. should not be a factor in deciding variances. Nearby ordinance violations and prior variances **DO NOT** justify granting a variance. Poor building location on the site by the current or previous owner does not justify granting a variance.

PUBLIC INTEREST

The third test an applicant must show is that the variance will not adversely affect public interest as expressed in the purpose statement of the ordinance. For example, shoreline setback requirements are designed to protect water quality, wildlife habitat, natural beauty, etc. from the perspective of the general public. The fact that neighbors do not object to a project or that their property values might rise as a result of reconstruction has little if anything to do with qualifying for a variance.

VARIANCE CRITERIA

1. Please list what type of variance (**area** or **use**) is being requested and how the applicant meets the “unnecessary hardship” criteria.

2. How is the hardship due to the Unique Property Characteristics rather than the circumstances of the petitioner:

3. How will granting the variance not be contrary to the Public Interest as expressed by the objectives of the Ordinance:

This form **MUST** be completed and returned to Portage County Planning and Zoning with your variance application.