

II. Does property contain exceptional topographic conditions?

YES, MANY VALLEY & ELEVATION CHANGES. MANY SPRINGS.

III. Does the property contain other extraordinary or exceptional conditions?

NO, OTHER THAN Z STREAKS

IV. Are there other existing extraordinary or exceptional circumstances?

NONE

B. That the strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property. Please provide explanation of the undue hardship.

FINANCIAL INJURY (CONSTRUCTION LOAN INTEREST, SURVEY COSTS, CONT. FACTOR FEES, BUILDING MATERIAL HOLDING FEES AND PROJECT SITE DEGRADATION CAUSED BY FALLOW ACTIVITY CAUSED BY THE COUNTY'S ERROR.

C. The requested variance relief may be recommended for approval without substantially impairing the intent and purpose of this ordinance. Please provide explanation as to how this request does not substantially impair the intent and purpose of this ordinance.

THE VARIANCE DOES'NT UNDERMINE THE ORDINANCE SINCE THE STRUCTURE & PROJECT SITE PASSED ALL COUNTY REVIEWS.

Conditions: In recommending the approval of a variance, the Board of Zoning Appeals may attach such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this ordinance will be served, public safety and welfare secured, and substantial justice done. Any deviation or revision from a condition recommended by staff shall be clearly set forth in the minutes of the Board of Zoning Appeals.

Limitations on variances; improper variance requests: Variance cannot be given to totally remove a requirement or to exempt a property or applicant entirely from the requirement. If a variance is being sought that is, in the judgement of the director, a request that would constitute a text amendment, then the application shall not be accepted. Variances can only be recommended for approval to alter numeric value, such as setback, height limit, area limit, and so forth. Furthermore, the Board of Zoning Appeals shall not be authorized to recommend approval of a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied, or to eliminate rather than modify a requirement or regulation. A variance application shall not be accepted if the variance is contradictory to the ordinance (such as reducing a requirement to zero or totally eliminating a requirement).

Self-inflicted hardship: The Board of Zoning Appeals shall not recommend approval of variances when the hardship was created by the property owner or his predecessor and shall not recommend approval of hardship variances based on shape or topography for a lot of record. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that do not justify a variance.