

VARIANCES

The Planning Commission may reduce or otherwise vary the requirements of the Subdivision Regulations when it finds the hardship criteria are met. In granting such variances, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the varied regulations. Any variance granted by the Planning Commission shall be noted in its official minutes along with the justification for granting the variance (Subdivision Regulations, Section 1.05).

Hardship conditions to be met:

1. **Conditions Required.** Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from the strict compliance with these regulations, they may grant, by way of application, variations to the Subdivision Regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations shall not have the effect of nullifying the intent and purpose of these regulations or the comprehensive plan.
2. **Evidence of Hardship Required.** The Planning Commission shall not grant variations to the Subdivision Regulations unless they make findings based upon the evidence presented to them in each specific case that:
 - a. Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
 - b. The conditions upon which the request for a variation is based is unique to the property for which the variation is sought and is not applicable, generally, to other property, and has not been created by any person having an interest in the property.
 - c. The purpose of the variation is not based exclusively upon a desire for financial gain.
 - d. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

Variances Requested:

For each variance requested, identify the hardship that would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to.

1. Variance requested:

Increase the max slope through the cul-de-sac of Road "A" to 11.75%

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. Reference Attachment 1

b. Reference Attachment 1

c. Reference Attachment 1

d. Reference Attachment 1

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

2. Variance requested:

Increase the max slope to 13.80% through the proposed hammerhead turnaround on Road "B"

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. Reference Attachment 1

b. Reference Attachment 1

c. Reference Attachment 1

d. Reference Attachment 1

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

3. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. _____

b. _____

c. _____

d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

4. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. _____

b. _____

c. _____

d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

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5. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

- a. _____
- b. _____
- c. _____
- d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

6. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

- a. _____
- b. _____
- c. _____
- d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

By signing this form, I certify that the criteria for a variance have been met for each request, and that any and all requests needed to meet the Subdivision Regulations are requested above or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested.



Signature

Scott Smith

Printed Name

6/12/24

Date

Attachment 1

6-SD-24-C / 6-H-24-DP
Revised: 6/12/2024 at 3:50 pm

Project Name: Ebenezer Subdivision

Planning Commission File Number: 6-SD-24-C / 6-H-24-DP

Date: June 12, 2024

Variances Requested:

- 1. Increase the maximum slope through the proposed cul-de-sac of Road "A" to 11.75%.**
 - a. The increase in road slope is due to the topography of the existing property. The proposed increase in slope will also allow the road to better accommodate a future connection to the property north of the project.
 - b. The unique topography of the property and future road extension is the basis for the request (reference description in Item "a" above).
 - c. The purpose of the variance is not based exclusively upon a desire for financial gain, but is a result of the physical attributes of the property.
 - d. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.
- 2. Increase the maximum slope to 13.80% through the proposed hammerhead turnaround of Road "B".**
 - e. The increase in road slope is due to the topography of the existing property. The proposed increase in slope will also allow the road to better accommodate a future connection to the property north of the project.
 - f. The unique topography of the property and future road extension is the basis for the request (reference description in Item "a" above).
 - g. The purpose of the variance is not based exclusively upon a desire for financial gain, but is a result of the physical attributes of the property.
 - h. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.