



**For Office Use Only**

Application No.: \_\_\_\_\_

Date: \_\_\_\_\_

Fee: \_\_\_\_\_

## VARIANCE APPLICATION

**PLEASE PROVIDE IN FULL THE FOLLOWING INFORMATION (TYPE OR PRINT LEGIBLY)**

New Development: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Modification to Existing Development: Yes: \_\_\_\_\_ No: \_\_\_\_\_

• Variance to Permit: \_\_\_\_\_  
(Complete narrative as attachment if necessary)

\_\_\_\_\_

• Where City Code Requires: \_\_\_\_\_

\_\_\_\_\_

Legal Description of said Property (lot, block, tract, subdivision): \_\_\_\_\_

General Description of Project: \_\_\_\_\_

Zoning: \_\_\_\_\_ Lot Area: \_\_\_\_\_

Square Footage of Structure: Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_

Number of Dwelling Units: Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_

Agent: \_\_\_\_\_  
(Signature\*)

Owner: \_\_\_\_\_  
(Signature\*\*)

Name: \_\_\_\_\_  
(Print)

Name: \_\_\_\_\_  
(Print)

Address: \_\_\_\_\_  
\_\_\_\_\_  
(City State Zip)

Address: \_\_\_\_\_  
\_\_\_\_\_  
(City State Zip)

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_



Application No.: \_\_\_\_\_

Date: \_\_\_\_\_

## **VARIANCE APPLICATION CHECKLIST:**

### **An application for a platting variance shall include:**

1. A drawing of the plat or photocopy of the existing survey;  
Drawing or Map must include:
  - i. North point arrow, date and scale;
  - ii. Exterior property boundaries and dimension;
  - iii. Access;
  - iv. All easements on the property;
  - v. Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;
  - vi. Sewer and water lines and power poles serving the property.
2. Proof of title of the applicant;  
*An authorization letter must be provided by the owner if an agent is providing representation.  
If ownership cannot be verified through the Alaska Records Office, a copy of the recorded warranty deed, a copy of a valid purchase contract, or a signed/notarized letter from the owner of record must be submitted.*
3. A written application in narrative form explaining the conditions, facts and reasons why a variance should be granted and why such facts and reasons constitute compliance with each of the requirements for variance as stated herein.
4. Application shall be made to the city clerk, who shall forward the application to the Planning Official and platting board.

## **TNBMC Title 16.36.010 - VARIANCE REQUIREMENTS:**

A variance from the requirements for this title may be granted only if the following conditions are met:

1. The granting of a platting variance will not be detrimental to the public health, safety or welfare, or injurious to adjacent property.
2. The conditions upon which the platting variance is based do not apply generally to the properties other than the property for which the variance is sought.
3. The tract to be subdivided is of such unusual size and shape or topographical configuration that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.
4. Implementation of the variance will not cause a violation of a state fire regulation adopted pursuant to AS 18.70.080. (Ord. 87-01 § 11(part), 1987)





Application No. \_\_\_\_\_

Date: \_\_\_\_\_

## VARIANCE APPLICATION APPLICANT STATEMENT (Page 1 of 2)

### Applicant certifies the following statements are true:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;  
 True                       False
  
2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;  
 True                       False
  
3. That the strict application of the provisions of this title would result in unnecessary hardship;  
 True                       False
  
4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;  
 True                       False
  
5. That the variance will not allow a land use in a zone that prohibits that particular land use;  
 True                       False
  
6. That approval of the variance is consistent with the comprehensive plan;  
 True                       False
  
7. That the variance is not requested because of monetary considerations or inconvenience.  
 True                       False
  
8. That the variance request is for work yet to be performed.  
 True                       False





## THORNE BAY MUNICIPAL CODE (TBMC)

### TBMC 17.04.045 - VARIANCE REQUEST APPLICATION PROCEDURE

#### **17.04.045 VARIANCE PROCEDURE.**

A variance is a tool that gives an applicant relief from the strict application of the zoning title. It will permit a justifiable exemption or exception to the development requirements of the title when their imposition would result in unnecessary hardship or practical difficulties.

Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. To be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone. The applicant must meet with the planning official and address the “Criteria for Consideration in Establishing Approval” prior to being scheduled for a hearing.

#### **A. Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered.**

After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;
2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;
3. That the strict application of the provisions of this title would result in unnecessary hardship;
4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;
5. That the variance will not allow a land use in a zone that prohibits that particular land use;
6. That approval of the variance is consistent with the comprehensive plan;
7. That the variance is not requested because of monetary considerations or inconvenience.
8. That the variance request is for work yet to be performed.

**B. Application Procedure.**

1. Applications must be initiated by the property owner or by an authorized representative. The required fee must be paid and an application on city forms must be filed no less than twenty-one days prior to the hearing date.
2. Applications must be accompanied by a site plan that includes:
  - i. North point arrow, date and scale;
  - ii. Exterior property boundaries and dimension;
  - iii. Access;
  - iv. All easements on the property;
  - v. Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;
  - vi. Sewer and water lines and power poles serving the property.

**C. Notification.**

1. Notification of variance application shall be made by first class mail to surrounding property owners which will consist of adjacent property owners and property owners located across rights-of way or alleys, no less than ten calendar days from the planning commission hearing.
2. The notice shall contain:
  - a. The name of the applicant;
  - b. Date, time and place of hearing;
  - c. A description of the location of the property and the legal description of the property if available;
  - d. A description of the character and purpose of the variance;
  - e. The reference number of the sections of the title which pertain to the application;
  - f. An explanation of the appeal process.
3. Notices shall be sent to the most current address on the city's utility listing or city records, and if no address can be found, the most current property owner listed in the State Recording office. The failure of a property owner to receive a notice shall not void a planning commission decision if a good faith attempt to contact the current property owner was made.
4. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that letters have been sent.
5. A copy of the resolution approving or denying the variance shall be sent to the applicant and to any other person who requests a resolution in writing.
6. Resolutions denying an application shall be mailed within five days of the date of the decision and will explain the appeal process.

## CONTINUED.....TBMC 17.04.045 - VARIANCE APPLICATION PROCEDURE

### **D. Reviewing Body.**

1. The reviewing body will be the planning commission.
2. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of Section 2.48.080 and shall address all required criteria for approval.

### **E. Appeals.**

Appeals of the planning commission decision may be made to the city council within thirty days of the postmark of the notification of the decisions. Appeals must be made in writing. (Ord. 17-06-06-01, prior Ordinances: (Ord. 93-23 § 6(part), 1993)