

TOWN OF BEAUX ARTS VILLAGE
BUILDING DEPARTMENT



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Questions? Please contact the Deputy Clerk using the information listed above.

VARIANCE-APPLICATION INSTRUCTIONS

Welcome to the Beaux Arts variance process. This packet includes instructions, information, pertinent ordinances, and forms for your use in completing your Application for Variance. A variance is the means by which property owners may be granted relief from the strict application of the Town's Zoning and/or Subdivision Code provisions.

To request a variance for your proposed construction project or subdivision, please follow these steps:

1. **READ THE TOWN ZONING CODE OR SUBDIVISION CODE ORDINANCES.** These ordinances describe the requirements for your project, including siting regulations, e.g. setbacks, height limits, lot coverage, and gross-floor-area restrictions, etc., and the process for requesting a variance to these restrictions. As the applicant, you are responsible for determining and complying with all legal requirements. If you have any questions about these requirements, contact the Town Clerk.

2. **PREPARE THE FOLLOWING REQUIRED DOCUMENTS** for your project when filing an Application for Variance.

A. **APPLICATION FORM AND CHECKLIST:** You must complete an Application for Variance and Variance-Application Checklist. This is an official document and must be kept in good order. Please provide all information requested, answer all questions accurately, completely and neatly, and sign the application.

B. **FILING FEE:** You must pay a deposit of \$500.00 when filing an Application for Variance. This fee will be applied to the cost of advertising, application review by the Town Planner, Hearing Examiner review and hearing, cost of meeting space, and any other out-of-pocket costs incurred by the Town in processing this request.

C. **SITE PLANS:** You must submit three (3) copies of the site plan for the property showing the exact dimensions of the property to an appropriate engineer's scale (e.g. 1"=20'). Please show all existing and proposed buildings or improvements and their setbacks, tree and ground cover, adjoining streets, watercourses, access points, fencing, and other information that will illustrate your proposal on your site plan. If new building construction is involved, you must also submit copies of a floor plan showing the existing conditions and proposed changes.

D. **TOPOGRAPHICAL MAP:** You must submit a topographical map showing five-foot contours and a profile (cross-section) of the project site when an alleged topographic hardship exists or when height is a consideration. This map must be signed and dated.

E. **PHOTOGRAPHS:** You may submit photographs of the subject property on a scale large enough to illustrate the variance request, if you desire.

3. **CONTACT THE TOWN CLERK TO SUBMIT YOUR COMPLETED APPLICATION AND FEES.** When filed with the Town Clerk, items 2A through E (as required) constitute a complete Application for Variance. The application must be complete in every respect (all questions answered, forms signed) before the Town Clerk can accept and certify it.

4. After accepting your application documents and fees, the Town Clerk will forward your application to the Town Planner, who will review your application. You will be notified if further explanation or additional information is needed. **PLEASE PROVIDE ANY ADDITIONAL INFORMATION NEEDED AS QUICKLY AS POSSIBLE TO AVOID DELAYS IN THE REVIEW OF YOUR APPLICATION.**

5. After the Town Planner completes his/her review, the Town Clerk will send you a copy of the Staff Report and notify you of the date, time, and location of the Public Hearing at which your Request for Variance will be heard. **PLEASE CONTACT THE CLERK IMMEDIATELY IF YOU NEED TO RESCHEDULE THIS HEARING.**

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6. The public hearing will be conducted by the Hearing Examiner. At the public hearing, the Applicant will describe the request for variance, and the Town Planner will present his/her Staff Report and Recommendation regarding the granting of this variance. The Hearing Examiner will also offer the applicant an opportunity to address issues raised by the Staff Report and will give any members of the public in attendance a chance to speak about the proposal.
7. After hearing this testimony, the Hearing Examiner will adjourn the Public Hearing and collect all materials submitted prior to or during the public hearing for his/her use in making a decision about the variance request. Once the Hearing Examiner has reached a decision, he/she will prepare "Findings of Fact, Conclusions and Decision" summarizing the facts related to your request, the evidence submitted before and during the public hearing, and the Hearing Examiner's decision and the rationale behind it. The date that such findings are forwarded by the Town Clerk to the application is the date of action on the variance request.
9. The decision of the Hearing Examiner shall be final and conclusive unless, within fourteen (14) days from the date of the action, you apply to the Council for an appeal. Contact the Town Clerk if you need more information.
10. Upon completion of this process, the Clerk will review the costs incurred by the Town in processing and hearing your request and compare those costs to the filing-fee deposit you paid at the time of application. You will be reimbursed for the unused balance of your deposit or invoiced for any additional fees owed to the Town.