



TOWN OF SARATOGA
PO BOX 486
PHONE: 326-8335
APPLICATION FOR VARIANCE

DATE OF APPLICATION: _____ ZONE: _____ FEE: _____

APPLICANT:

NAME: _____

ADDRESS: _____

P.O. BOX: _____

PHONE: _____

ADDRESS OF PROPERTY: _____

PURPOSE OF VARIANCE:

I hereby request of the Saratoga Town Council, a hearing on my behalf for a Variance of the strict application of the Saratoga Zoning Ordinance. The exceptions to the ordinance I seek are outlined as follows:

Signature: _____

Date: _____

THE FOLLOWING IS FOR OFFICIAL USE ONLY

Variance Number: _____

Date Received: _____

Hearing Date: Planning Commission _____ Town Council: _____

Date of Legal Notice (5 days prior to Planning Commission meeting) _____

Photograph Taken: _____

Action: _____

Planning Commission: _____ Date: _____

Town Council: _____ Date: _____



TOWN OF SARATOGA
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VARIANCE CHECKLIST

CHAPTER 18.72

1. WILL THE VARIANCE AUTHORIZE A PERMITTED USE OTHER THAN THOSE SPECIFICALLY ENUMERATED IN THE ZONING DISTRICT IN WHICH THE VARIANCE IS SOUGHT? _____

2. WILL LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS TITLE RESULT IN UNNECESSARY HARDSHIP AND DEPRIVE THE APPLICANT OF A REASONABLE USE OF HIS LAND OR BUILDING? _____

3. WERE THE EXTRAORDINARY CIRCUMSTANCES CREATED BY THE OWNER OF THE PROPERTY AND DO NOT REPRESENT A GENERAL CONDITION OF THE DISTRICT IN WHICH THE PROPERTY IS LOCATED? _____

4. WILL THE VARIANCE, IF GRANTED, SUBSTANTIALLY OR PERMANENTLY INJURE ANY ADJACENT CONFORMING PROPERTY? _____

5. WILL THE VARIANCE ALTER THE CHARACTER OF THE DISTRICT IN WHICH IT IS LOCATED? _____

6. WILL THE VARIANCE, IF GRANTED, RESULT IN AN EXTRAORDINARY GAIN IN USE, SERVICE OR INCOME FOR THE PROPERTY WHEN COMPARED WITH ADJACENT CONFORMING USES IN THE SAME DISTRICT? _____

7. IS THE VARIANCE, IF GRANTED, THE MINIMUM VARIANCE AND THE LEAST MODIFICATION THAT WILL AFFORD THE RELIEF SOUGHT? _____

8. WILL THE VARIANCE BE IN HARMONY WITH THE SPIRIT OF THIS TITLE AND NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE? _____



TOWN OF SARATOGA
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MUNICIPAL CODE 18.72

VARIANCES

18.72.010 Purpose—Procedure.

- A. The planning commission may recommend such variances from the terms of this title as shall not be contrary to the public interest. Requests for variances shall be made only after the denial of a building permit by the zoning officer and shall be made on forms provided for this purpose. The request for a variance shall be filed with the zoning officer. Upon receipt of a request for a variance, the zoning officer shall transmit a copy of the denial and any other pertinent information to the planning commission for its consideration. The governing body shall deny or approve all variances.

- B. The purpose of any variance shall be to modify the strict application of the requirements of this title where it can be shown that, by reason of exceptional topography or other extraordinary or exceptional circumstances, literal enforcement of the terms of this title will result in an unnecessary hardship to the extent that the property might be prohibited from being used in a manner similar to other property in the same district.

- C. Each variance authorized shall not be personal to the applicant but shall apply to the specific use or structure for which the variance was granted and shall run with the land. No variance shall be authorized unless the council finds that all of the following conditions exist:
 - 1. That the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought;
 - 2. That owing to extraordinary circumstances or conditions relating to the land or building for which the variance is sought, literal enforcement of the provisions of this title will result in unnecessary hardship and deprive the applicant of a reasonable use of his or her land or building;
 - 3. That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located;
 - 4. That the variance, if granted, will not substantially or permanently injure any adjacent, conforming property;
 - 5. That the variance will not alter the character of the district in which it is located;
 - 6. That the variance, if granted, will not result in an extraordinary gain in use, service or income for the property when compared with adjacent, conforming uses in the same district;
 - 7. That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought;

8. That the variance will be in harmony with the spirit of this title and will not adversely affect the public health, safety or welfare.
- D. A request for a variance shall be submitted in writing a minimum of thirty days prior to a regularly scheduled planning commission meeting. The request shall state the location of where the variance is proposed and the purpose for the variance. When a request for a variance is received, the zoning officer shall send letters to all property owners within a three hundred-foot radius of the proposed variance location, notifying them of the nature and scope of the proposed variance, and notifying them of the time and date of a public hearing to discuss the proposed variance.

At the public hearing, the property owner seeking the variance (the petitioner) will be present to answer any questions that the planning commission or property owners within the three hundred-foot radius may have.

After the public hearing, the petitioner shall complete an application which shall be accompanied by a petition signed by the owners of all property within a three hundred-foot radius of the perimeter of the property in question indicating, as to each owner, his or her approval or disapproval and indicating approval by a minimum of fifty percent of the owners of real property within a three hundred-foot radius of the perimeter of the property affected. The application must be filed twenty-two days prior to the planning commission meeting. The applicant shall include a fee in the amount of fifty dollars to cover advertising and processing costs.

- E. A public hearing shall be held by the planning commission on every variance application. Notice of said hearing shall be given by at least one publication in a newspaper of general circulation within the town at least fifteen days prior to the hearing date. Such notice shall at a minimum contain the following information:
1. Location;
 2. Variance requested;
 3. Time, place and date of hearing;
 4. Number to call to ask questions about the request.
- F. Every variance granted by the town council shall be based on the specific findings, supported by written evidence and a photograph of the specific problem where applicable.
- G. Any variance granted by the town council pursuant to the provisions of this section shall be construed to be a nonconforming use.
- H. A variance shall be nothing more than a minimal easing of standards or requirements. (Ord. 803, 2011; Ord. 727, 2004; Ord. 486, 1986; Ord. 399 § 1(328-58), 1980)