

ZONING VARIANCE WORKSHEET

Authority and execution. Variances may be authorized by the terms of this ordinance. Variances may be authorized only after a public hearing, where the board of zoning appeals has made findings of fact in accordance with subsection E. (findings of fact) below, that owing to special conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulties or particular hardship for the owner of land or a structure.

CONSIDERATIONS:

The zoning variance for property located at **222 Appletree Street**, further identified by **Tax Map 133J Group F Parcel 001.00** and legally recorded in Plat Book R3042 Page 429 on file at Register of Deeds Office of Maury County is presented to the Board of Zoning Appeals for review. Request from **applicant DTM Enterprise, LLC** to consideration a variance from the allowed **20-foot front/side yard setback be reduced to 10-foot front/side yard setback.**

E. Findings of Fact

1. No variance from the provisions of this ordinance shall be granted unless the board of zoning appeals makes specific written findings of fact based directly on the standards and conditions imposed by this section. These standards are as follows:

- a. That by reason of exceptional narrowness, shallowness or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any bulk standards contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.
- b. The variance is the minimum variance that will relieve such difficulties or hardship and make possible the reasonable use of the land, building or structure.
- c. The variance will not authorize uses in a zone district other than those permitted by this ordinance.
- d. Financial considerations shall not be considered as a basis for granting a variance.

2. The board of zoning appeals in making its findings of fact, may inquire into the following evidentiary issues, as well as any others deemed appropriate:

FINDINGS OF FACT FOR ZONING VARIANCE:
a. The granting of the variance Will _____ Will not _____ be detrimental to the public welfare, injurious to other property or improvements in the area in which the property is located or a substantial impairment to the intent and purpose of the zoning district where the property is located or the general provisions of the ordinance.
b. The proposed variance Will _____ Will not _____ impair an adequate supply of natural light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or impair property values within the neighborhood.
c. The alleged difficulty or hardship Has _____ Has not _____ been knowingly or intentionally created by any person having an interest in the property.
d. The proposed variance Is _____ Is not _____ consistent with the spirit and intent of this ordinance and the adopted land use and transportation plan.

The Board of Zoning Appeals recommends that the zoning variance be:

APPROVED _____ **DISAPPROVED** _____ **Board Member:** _____

Date: _____