

**FAIRFIELD COUNTY
PLANNING, BUILDING AND ZONING OFFICE**
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**APPLICATION FOR A VARIANCE OR TO APPEAL
THE REQUIREMENTS OF THE
FAIRFIELD COUNTY ZONING ORDINANCE**

INSTRUCTIONS

The APPLICATION TO VARY OR APPEAL must be completed in its entirety. The Board of Zoning Appeals has directed that no application can be accepted as complete unless all requested information is filled out and supplied as directed. The application must either be printed or typed. An accurate, legible plot plan showing property dimensions and locations of all existing and proposed structures and improvements must be attached to the application for a variance.

If the application is on behalf of the property owner(s), all property owners of record must sign the application. If the applicant(s) is/are not owner(s), all the owner(s) must sign the Designation of Agent.

The hearing before the Board of Zoning Appeal is quasi-judicial. This means that the application can only be decided upon the facts of the case presented. All testimony at the public hearing is under oath. Any written testimony presented must signed and dated with the address of the person making the written statement and the signature must be witnessed and notarized. Any person presenting testimony before the Board of Zoning Appeals must be an expert witness unless it is a person who can testify by having direct knowledge of the facts presented. (i.e. a certified property appraiser can give testimony on how something will affect the value of a piece of property but a homeowner can only present testimony on how something will affect the value of a piece of property if he can testify that in a previous instance of a similar case, he can testify as to the exact facts of that case he personally knows.)

By State Code of Laws Section 6-29-800 the Board of Zoning Appeals can only grant a variance in such individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b) These conditions do not generally apply to other property in the vicinity;
- (c) Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. **The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.**

It is the applicant(s)/owner(s) responsibility to present evidence supporting each of the conditions (a) through (d) above. Insufficient evidence to support any of the conditions will be grounds for dismissing the variance.