

Hubbard County Board of Adjustment

Findings of Fact Supporting/Denying a Variance

Applicant _____ Date _____ Variance Application # _____
Parcel # _____

The criteria for the granting of a variance are set forth in Section 1103 of the Shoreland Management Ordinance. A variance may be granted only where the strict enforcement of county zoning controls will result in a practical difficulty. Variances will only be issued when the Board of Adjustment answers Yes to each of the five questions set forth below.

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes () No ()

Why or why not? _____

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No ()

Why or why not? _____

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes () No ()

Why or why not? _____

4. Will the issuance of the variance maintain the essential character of the locality?

Yes () No ()

Why or why not? _____

5. Does the stated practical difficulty involve more than just economic considerations?

Yes () No ()

Why or why not? _____

The Answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment. This is in accordance with Section 1103 of the Hubbard County Shoreland Management Ordinance.

Approved () Denied ()

Date: _____

Chairperson, Board of Adjustment

Add On for an After-The-Fact Variance

If the Board of Adjustment answers yes to all 5 questions for a variance in the first instance, thereby finding that all of the criteria set forth in Section 1103, Item 1, parts 1 through 5, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny a request for the after-the-fact variance:

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?

Yes () No ()

Why or why not? _____

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

Yes () No ()

Why or why not? _____

3. Did the applicant complete the work before being informed of the violation of applicable official controls?

Yes () No ()

Why or why not? _____

4. Are there structures, circumstances, or conditions in the area similar to those that are the subject of the variance request?

Yes () No ()

Why or why not? _____

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?

Yes () No ()

Why or why not? _____

6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

Yes () No ()

Why or why not? _____

The Answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

Approved () Denied ()

Date: _____

Chairperson, Board of Adjustment