



## APPLICATION FOR ZONING VARIANCE

### BOARD OF ZONING APPEALS

*Version adopted April 4, 2024*

Name of Applicant: \_\_\_\_\_ Are you the property owner? YES NO

Applicant Address: \_\_\_\_\_

Applicant Phone No: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

Name of Property Owner if Different from Applicant: \_\_\_\_\_

Address of Structure: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Current Use: \_\_\_\_\_

**See the back of this form for requirements for the granting of a variance.**

In addition to this form, the following shall be submitted prior to review by the City of Elkins:

1. Application for Certificate of Zoning Compliance showing denial
2. A plan drawn to scale which shall depict the overall site layout including building location, parking area, circulation, setbacks, lighting, landscaping, screening, signage, and building location on adjacent parcels.
3. The preliminary building plans and elevations illustrating modifications and alterations including an indication of exterior materials, textures, and colors being used on the project.
4. A letter summarizing the request along with any other information deemed helpful by the applicant or necessary by the Board to explain the nature of the requested variance and its consistency with the standards outlined on the back of this application.
5. Legal Description (may be found in deed)
6. Application Fee of \$200. You will be billed separately for the cost of legal advertisement and notification posters.

I certify under penalty of perjury that the information contained in this application and its supplements are true and correct.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

**From Elkins City Code § 152.028 VARIANCES.**

A variance is a deviation from the minimum standards of this code and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.

The Board of Zoning Appeals shall grant a variance to this code if it finds that the variance:

- (1) Will not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents;
- (2) Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
- (3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
- (4) Will allow the intent of this code to be observed and substantial justice done.

The Board of Zoning Appeals shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

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