

**Nance County Board of Adjustment  
Motions for Denying or Granting a Variance Where a Hardship Exists**

Date of Hearing \_\_\_\_\_

Applicant's Name \_\_\_\_\_

This sheet is a record of the decisions of the Nance County Board of Adjustment regarding this case and is to be considered filed in the Office of the Board of Adjustment at 9:00 a.m. the next regular business day following this action for the purpose of appeals. Appeals of these decisions may be made by any affected party to District Court within 15 days of the time this action is filed in the Office of the Board of Adjustment.

In order to grant a variance from the zoning regulations, the Board must find that:

- A. The strict application of the regulations would produce undue hardship;
- B. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
- C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship, as distinguished from variations for the purposes of convenience, profit, or caprice (whim, notion, impulse, fad).

The Board must also find that:

- E. No variance shall be authorized unless the Board finds that this condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Regulations.

**Motion to Deny a Variance Based on Statements A, B, C, or D:**

I move that this variance be denied because of the Board finding that statement(s) A\_\_\_\_, B\_\_\_\_, C\_\_\_\_, and/or D\_\_\_\_, is/are not true and that it would be improper and illegal for this Board to grant this

Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Votes in Favor	Votes Opposed	Votes Abstaining

**Motion to Deny a Variance Based on the Recurring Nature of the Request**

I move that this variance be denied because the condition or situation is of such a general and recurring nature that a recommendation should be sent to the Nance County Planning Commission requesting that they consider appropriate changes to the Zoning Regulations.

Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Votes in Favor	Votes Opposed	Votes Abstaining

**Motion to Approve a Variance:**

I move that all of the conditions exist for granting a (state the variance to be granted on the lines below)

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And I move that this application for a variance be approved based on the findings that the following demonstrable and exceptional hardship does exist (identify the hardship(s) as described in Section 7A, p. 11, of the Board of Adjustment ByLaws):

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Statements A, B, C, and D on the preceding page have been found to be true, and this request is not of such a general and recurring nature that changes should be made to the Zoning Regulations.

Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Votes in Favor	Votes Opposed	Votes Abstaining