



Variances

§ 22-22 Variances—Generally.

A. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardships to the subdivider because of unusual topography or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of this chapter, the City council may vary, modify or waive the requirements of this chapter so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and the purpose of this chapter and the City's master plan. In no case shall any variance, modification or waiver be more than a minimum easing of the requirements.

B. In granting variances, modifications and waivers, the City council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so affected.

§ 22-23 Same—Application; filing fee.

A. Application. Application for variances shall be filed by the subdivider or his authorized agent upon forms provided by the planning and zoning commission. The application shall set forth and state fully the reasons and grounds for the variance and shall contain such information as the planning and zoning commission shall prescribe. Accompanying the application shall be the following:

(1) A map showing the property described in the application and adjoining properties and public streets and ways within a radius of three hundred feet of the exterior boundaries.

(2) A list of all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred feet of the exterior boundaries.



Engineering & Planning Department

33 Allegiance Circle Evanston, WY 82930

Telephone (307) 783-6470

www.evanstonwy.org

(3) Photographs, drawings and other supporting documents as may be required by the planning and zoning commission.

B. Filing fee. Before accepting an application for a variance, the planning and zoning commission shall charge and collect a filing fee. Such fee shall be established by a resolution of the City council.



Information Sheet for Variances

Variance applications are heard by the Board of Adjustment as a provided by the City of Evanston Zoning Ordinance. The Board of Adjustment is composed of seven members, appointed by the City Council for a three-year term. Each member is a citizen of Evanston and serves without pay.

The board is interested in hearing from anyone who has any pertinent remarks concerning the application at issue, either for or in opposition. It is requested that the remarks be as brief as possible. Regardless of the number of Board members present at the hearing, the law requires affirmative votes of a majority of the Board to grant an application.

Sufficient evidence in each of the following areas must be given before the Board of Adjustment can grant a Variance:

1. There are unique circumstances or conditions, fully described in the Board's findings, which are to the land or building for which the adjustment is sought and do not apply generally to the land or buildings in the neighborhood and have not resulted from any act of the applicant, subsequent to the adoption of the Ordinance;
2. For reasons fully set forth in the Board's findings, the circumstances or conditions are such that the strict application of the provisions of the Ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment, as granted, is the minimum adjustment that will accomplish this purpose; **and**
3. The granting of the adjustment is in harmony with the general purposes and intent of the Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board of Adjustment may place conditions or stipulations on a Variance.

The use applied for must be commenced or a Building Permit must be obtained within 180 days of the granting, or within the time stipulated by the Board of Adjustment.



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Complete Variance Application

The following attachments are required in addition to the online permit request [application](#):

For an application to be considered complete-

- 1) A Map/Site Plan showing the property and request location on the property
- 2) List of property owners within 300 feet of the requested address (this can be acquired from the [Unita County website](#))
- 3) Completed narrative (explanation of the request and addressing the 3 areas required for granting a Variance)
- 4) Any additional requirements will be provided after review of the initial application and attachments
- 6) Once all requirements are completed, the permit fee must be paid