



**MONTGOMERY COUNTY GOVERNMENT
BUILDING AND CODES DEPARTMENT**

350 Pageant Lane, Suite 309

Clarksville, TN 37040

Phone 931-648-5718 Fax 931-553-5121

www.MontgomeryCountyTN.org

BOARD OF ZONING APPEALS CHECKLIST

The following items **must** be provided prior to acceptance by the Board of Zoning Appeals.

Failure to provide any of the items under your appeal type listed below will be deemed an incomplete submittal and will not be placed on the agenda.

Appeals Decision of Building Commissioner

- Letter detailing the basis of the appeal.

Special Exceptions

- Scaled Site Plan (Drawn to engineer's or architect's scale) 1 copy
Minimum Size 8.5" x 11"
Maximum Size of 11" x 17".
- Hardship Letter (attached)

Variance Requests

- Scaled Site Plan (Drawn to engineer's or architect's scale) 1 copy
Minimum Size 8.5" x 11"
Maximum Size of 11" x 17".
- Reason Variance is required (attached)

Uses Permitted on Review

- Letter detailing the use with documents to support the request
- Scaled Site Plan (Drawn to engineer's or architect's scale) 1 copy
Minimum Size 8.5" x 11"
Maximum Size of 11" x 17".

The Board of Zoning Appeal Members approved as part of their Rules and Regulations, the following:

It shall be the policy of this Board that no members shall discuss the merits of any pending case with any person having an interest in the case prior to the public hearing. Further any interested party wishing to provide written information to the Board prior to the public hearing (including electronic communications) **MUST place such information in the public record through the staff of the Montgomery County Building and Codes Department prior to that person providing such information to Board Members.**



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STANDARDS FOR A VARIANCE

The Montgomery County Board of Zoning Appeals may grant variances from the strict application of the provisions of the Zoning Resolution of Montgomery County, Tennessee based upon findings of fact related to the standards in Article IX, Section 2.

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Resolution.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Resolution.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

Building Set-backs on lot containing an existing structure - The granting of the variance meet the following criteria, applicant demonstrates a variance was not obtained prior to construction due to excusable neglect or the building was constructed in violation of applicable setbacks due to excusable neglect, and no irreparable harm will be caused by the grant of the variance.

The Board shall not grant variances to the District regulations Article IV, Section 19 - A Airport District.

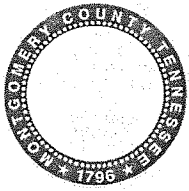
In simple terms, for the Board to grant you a variance in the zoning resolution, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property.

The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based neither solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to provide a letter conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?



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Information to Assist You with the Board of Zoning Appeals

The Board of Zoning Appeals meets the second (2) Thursday of each month.

A \$250.00 application fee and completed application must be submitted by the third (3) Friday of the month prior to the public hearing to be placed on the agenda.

Once your request is filed, the staff will review your request to verify that the application submittal is complete. Notification will be made by phone or letter should additional information be required. **Any correspondence to the Board or additional information requested must be submitted to our office to be included in the record.**

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to The Leaf Chronicle, the neighboring property owners adjoining the property and directly across from the property. The neighboring notices will be mailed approximately ten (10) days prior to the public hearing. **It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.**

- The day of the public hearing, be prepared to convey to the Board the nature of the hardship in your request that makes it difficult / impossible for you to comply with the Zoning Resolution.
- The day of the public hearing, be prepared to convey to the Board your request and the reasons for this request. In the case of questioning the decision of the County Building Commissioner, it is your job to explain to the Board how he/she is wrong and you are right.
- The day of the public hearing, be prepared to convey to the Board your request and the reasons for a uses permitted on review. Remember any additional information requested by the staff must be submitted to our office by Tuesday prior to the hearing.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. **You should also be aware that any variance or uses permitted on review shall be executed within twelve (12) months of the date of approval or it shall become void.**

We hope that this information will be of help to you in understanding the appeals procedure and if our office can be of further assistance, please do not hesitate to contact us.

Assigned Case # : _____ Public Hearing Date: _____ Time: _____

Location: _____



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APPLICATION TO BOARD OF ZONING APPEALS

Under the following provisions of the Zoning Resolution of Montgomery County, the Board of Zoning Appeals is hereby requested to:

- Hear an appeal from a decision of the County Building Commissioner (Article IX, Section 1)
- Cause a permit to be issued for a special exception (Article IX, Section 1.B)
- Authorize a variance from the terms of the Zoning Resolution (Article IX, Section 2)
- Uses Permitted on Review (Article IX, Section 3)

DESCRIPTION OF REQUEST:

REASON FOR REQUEST:

ADDRESS LOCATION OF PROPERTY: _____

TAX MAP: _____ GROUP: _____ PARCEL: _____ ZONED: _____

APPLICANT/AGENT: _____ PHONE #: _____

MAILING ADDRESS: _____

All the facts and information herein contained together with such as may be shown by any attachments or documents in support hereof, are in all respects true and accurate as far as I am able to determine.

I understand that any variance or uses permitted on review shall be executed within twelve (12) months of the date of approval or the variance or use permitted on review granted shall become void and of no effect.

FOR OFFICE USE ONLY

Date Received: _____

Receipt: _____

Case No.: BZA- _____ - _____

APPLICANT/AGENT SIGNATURE

DATE