



**MONTGOMERY COUNTY GOVERNMENT
BUILDING AND CODES DEPARTMENT**

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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, Section 20 – Sabre Heliport Overlay District, or Section 21 – Residential Cluster Option.

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?