

MARTIN COUNTY BOARD OF ADJUSTMENT

~ INFORMATION FOR PUBLIC HEARING APPLICANTS ~

The Martin County Board of Adjustment is a five member board appointed by the Martin County Board of Commissioners. The Board of Adjustment has a number of responsibilities, which are spelled out in detail in Chapter 5 of the Martin County Zoning Ordinance. In general, the Board of Adjustment (BOA) hears appeals from administrative zoning decisions, interprets the zoning ordinance when necessary and has the exclusive power to issue variances from the letter of the zoning ordinance. All decisions made by the BOA are final, except to District Court.

For technical information and advice, the BOA relies on the staff of the Planning and Zoning Office. The **staff cannot predict decisions by the Board before the hearing.** Staff will provide assistance in helping an applicant decide what information to present to the BOA, and will review an applicant's presentation before the hearing. However, **it is the applicant's complete responsibility** to gather any essential information and provide it to the staff and BOA. **It is the applicant's responsibility to read and complete all of the information contained within this application.**

In all cases, an applicant will help their case by providing as much information about their request as possible. This information should be presented to the staff as early as possible before the public hearing, so the staff will have time to review it and so the Board can make a timely decision. **Failure to do so may result in the BOA delaying their decision for one or more months while the necessary information is obtained.** Applications for public hearings which are grossly deficient in providing vital information may be withheld from the BOA agenda.

The BOA is guided by very specific instructions in regard to its actions. **Economic hardship alone is not adequate for a variance, according to State Law.** The following is the State Law's criteria and the BOA shall not grant a Variance unless it finds the following facts at the hearing:

1. **Is the property owner proposing to use the property in a reasonable manner not permitted by the official control?**
2. **Is the need for the variance created by actions other than the landowner or prior landowners?**
3. **Is the practical difficulty due to circumstances unique to this property?**
4. **Is the variance in harmony with the general purposes and intent of the official control?**
5. **Will the issuance of the variance maintain the essential character of the locality?**
6. **Does the practical difficulty involve more than economic considerations?**
7. **Is the variance consistent with the comprehensive plan?**

****GENERAL INFORMATION****

Applications must be accompanied by complete and detailed information. The Board of Adjustment may approve, approve with modifications or conditions, or deny any application based on the information available and findings of the Board.

A document will be recorded with the County Recorder upon the property described in the legal description, which will state the action taken by the Board of Adjustment.