



**Application Submittal Checklist for a
VARIANCE (VAR)
Planning & Development Department
Planning Division**

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APPLICABILITY. *This checklist should be used when submitting an application for a **Variance**. The purpose of a variance is to allow a specific deviation from the LDRs that is not contrary to the desired future character for the site when, due to special circumstances of the land, strict application of the LDRs would result in undue and unique hardship.*

When is a Variance required?

Variance approval is required for any use, physical development, development option, or subdivision proposal that fails to meet an applicable LDR standard, where the strict application of that standard would inadvertently impede the applicant's ability to realize the community's desired future character for the property due to special circumstances of the land.

Do I need a Pre-Application Conference first?

A Pre-Application Conference is not required prior to submittal of a variance, unless the variance request is submitted in conjunction with another application that does require a pre-application conference. An applicant may request a pre-application meeting to discuss the requirements and applicable regulations with Planning Staff. This is encouraged for applicants who are unfamiliar with the regulations and the planning process. If a Pre-Application Conference is held, this checklist may be modified by staff to reflect the specifics of your project.

Note: *A variance may be sought for any standard of the LDRs unless the variance would:*

- **Increase maximum density, FAR, or maximum scale of development;**
- **Allow a prohibited sign;**
- **Allow a prohibited use or allow additional expansion of a nonconforming use;**
- **Reduce the requirements of a development option (e.g. required open space, minimum lot size, unit type mix);**
- **Reduce a requirement where an option for independent calculation of the requirement exists (e.g. housing, development exactions); or**
- **Reduce the threshold for review of an application.**

POSTED NOTICE. *The applicant is responsible for posting and maintaining a notice of the public hearing on the land subject to the application. The posted notice shall meet the following standards.*

- **Content.** The posted notice shall contain the notice content required by Subsection 1 above, except the description of the location of the land subject to the application. A template is available in the Administrative Manual.
- **Timing.** The notice shall be posted for at least 10 days prior to the hearing, and shall be removed within 5 days following the hearing.
- **Size.** The notice shall be 4 ft by 4 ft.
- **Location and Legibility.** A notice shall be placed along each front lot line so as to be legible from each access point to the site. The notice may be mounted to a building. If the notice is freestanding, it should be set back 2 ft from any lot line or access easement.
- **Materials.** The notice shall meet the materials standards of Div. 5.6. and shall not be lighted.

FINDINGS FOR APPROVAL. *The application shall include a narrative statement addressing each of the applicable Findings for Approval, found in **Section 8.8.2, Variance**.*

A variance shall be approved upon finding the application:

1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood; and
2. The special circumstances and conditions have not resulted from any willful modification of the land or building; and

3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community; and
4. The variance sought is the minimum variance necessary to provide a balance between the purpose of the regulation sought to be varied and its impact on the applicant; and
5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and
6. The granting of the variance is consistent with the general purpose and intent of these LDRs.

GENERAL INFORMATION.

_____ **Variance Requested.** Identify the provision of the LDRs from which you are seeking relief.

_____ **Narrative description of the proposal.** Briefly describe the proposed use, physical development, development option or subdivision requiring the variance.

APPLICABLE LDR STANDARDS.

A variance request will be reviewed in conjunction with an application for the use, physical development, development option or subdivision requiring the variance. Demonstration of compliance with applicable LDR standards will be addressed primarily through the application for the use, physical development, development option or subdivision.