

TOWN OF COLLIERVILLE

Board of Zoning Appeals (BZA) Variance Checklist

Planning Division
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COVER LETTER: At a minimum, a cover letter for a variance request should include the following:

- Current property owner
- Future property owner (if applicant is not the current property owner)
- Current Zoning
- Size of subject property
- Description of the requested variance(s)
- Address these questions in your letter:
 - What is the situation that is creating the “hardship”?
 - What effect will granting this variance have on adjoining streets or property?
 - What other alternatives could solve the problem caused by the situation?
 - What makes this situation and your property different from the conditions of the surrounding properties?
- Provide a written response to each question of the Standards for Variances test below based on Section 151.309(F)(1) of the Zoning Ordinance. The criteria from the Zoning Ordinance are paraphrased in the questions below, and the applicant is expected to answer each question in their cover letter. Copy and paste these questions into your cover letter. Answers should not be a simple “yes” or “no” only, but should elaborate on why.
 - Do the particular physical surroundings, shape or topographic conditions of the specific property involved result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out?
 - Are your reasons for the variance applicable, generally, to other property within the same district?
 - Will the variance will not authorize activities in the applicable zoning district other than those permitted by the zoning ordinance (example: retail sales in a residential zoning district allowed by a variance that allowed the owner to build a detached garage)?
 - Are financial returns *only* considered as a basis for granting a variance? If no, explain the other reasons why a variance is justified?
 - Has the alleged difficulty or hardship has been created by any person having an interest in the property after the effective date of the zoning ordinance?
 - Is the variance the minimum variance that will make possible the reasonable use of the land, building, or structure?
 - Will the granting of the variance be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located?
 - Will the proposed variance impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area?
 - Will the variance interfere with or encroach upon a recorded public or private easement unless a written waiver has been executed by the owner of the public or private easement allowing the interference or encroachment?

Submittal Requirements for a BZA Variance

Staff & Public Review Phases:

- Completed General Application Form/Route Slip (see Preapplication Conference notes for how to complete form) – One (1) Copy
- Disclosure of Interest Form (if applicable) – One (1) Copy
- Electronic version of the entire submittal package (PDF Format)
- Cover Letter (see required content left) – two (2) copies
- Supplemental Exhibits, as applicable – two (2) copies
- Review Fee: \$200
- Other Information that was specifically requested at the Preapplication Conference

Post-Approval Phase: Varies based on the specific request. Consult the “Next Steps” in the approval letter.

SUPPLEMENTAL EXHIBITS: Supplemental exhibits can be helpful to the staff, BZA, and public in understanding the applicant’s reasons for requesting the variance. Such exhibits typically include surveys, drawings of proposed structures, copies of the “plot plan” or site plan from when a structure was built (often on file in the Development Department), aerial photographs, recent site photographs, example images of similar structures, and letters from neighbors.

ROLE OF STANDARDS FOR VARIANCES: In order to grant a variance, the BZA must find that there are exceptional physical conditions with the property that make a strict application of the requirements of the Zoning Ordinance an undue hardship or practical difficulty that would deprive the owner reasonable use of the property. The Zoning Ordinance states that a variance may only be granted if it will not cause “substantial detriment” to the public good and it will not substantially impair “the intent of the Zoning Ordinance.” The Ordinance requires the BZA to review a specific set of criteria, Section 151.309(F)(1), in considering each request (see information required for the cover letter for criteria). The BZA must find that the request meets the criteria based upon the evidence presented. If the request does not meet the criteria, it must be denied.

PUBLIC NOTICE: The Town of Collierville will mail postcard notices in advance of the BZA meeting. Address labels will be furnished by the Town. The Town will also publish notices of the public meetings in a local newspaper and on the Town’s website. The applicant is not responsible for public notices.

Online Permit & Application Center: For your convenience, the Development Department is providing a new online solution for Planning-related permit/development applications, fee payment, and plan submission. Before you apply online your first step will be to create a customer profile and add employees or consultants that need to do business on your behalf. This solution will allow you to upload PDF versions of the plans and documents, track the status of the permit/application, and much more! If you pay fees online there will be a 4% convenience fee. Otherwise, you can mail a check to Town Hall noting the case number and project. Instructions will be provided for submitting paper-versions of your application as well when you apply online.

Repeat customers will need an access code from the Planning Division (planning@colliervilletn.gov or 901-457-2300) to set up a new account. Go to the following link to get started: <https://twncollierville-tn.smartgovcommunity.com/Public/Home?conv=1>

Please direct questions about submitting Planning-related applications to the Online Permit & Application Center to planning@colliervilletn.gov or 901-457-2300.

