

VARIANCE PROCEDURE

When property owners feel that the strict application of the requirements of the zoning regulations would create an undue hardship upon them, they may request a variance from these requirements from the Board of Zoning Appeals. The board must base its decision on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone. Variances are limited to yard regulations and may not be more than one-half the required yard and shall not encroach upon the required setback for adjacent buildings.

The applicant shall first meet with a planner and receive a complete explanation of the zoning requirements in question. The Planning and Codes Administration staff shall provide information about the variance procedure and all necessary application forms.

The applicant shall submit a complete application form, evidence of ownership and pay the **\$100.00 fee**.

As a part of the application, one (1) copy of a sketch map shall be submitted showing proposed and existing structures and uses on the property for which the variance is being requested and any structures near or on adjacent properties.

An application shall not be processed unless it has been fully completed, the fee paid and all required information submitted.

The Planning and Zoning office shall then schedule a meeting of the Board of Zoning Appeals and send copies of the application the Board Members. Not less than twenty (20) days prior to the Board meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the variance request and the time and place of interest, a copy shall also be sent to the Board Members, along with notice to the adjacent property owners.

At the scheduled meeting, the Board shall hear all facts and testimony from all parties wishing the be heard concerning the requested variance. In each case, the Board shall not grant a variance unless it finds, based on the evidence presented, facts that support conclusively the variance.

APPLICATION FOR VARIANCE

I. Name of Applicant _____
Mailing Address _____
Relationship of Applicant to property is (owner, tenant, lessee, etc.) _____
Owner Signature _____
Property Address where variance requested _____
Legal Description _____

II. The variance requested is from the setback requirements which requires that the _____
_____ (type of structure) be located _____ feet from the property line. I would
request that a variance be granted allowing the structure to be _____ feet from the
property line.

III. Reason for request: _____

IV. Provide a brief statement setting forth how this application will meet each of the five
conditions as described in the Zoning Ordinance and Procedural Manual.

1. UNIQUENESS

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted. It must be shown that strict application of the Zoning Ordinance would actually prohibit the use of applicant's property in the manner similar to that of other property in its district.

1a. UNIQUENESS: _____

2. ADJACENT PROPERTY

The granting of the variance will not be materially detrimental to or adversely affect the right of adjacent property owners or residents.

2a. ADJACENT PROPERTY: _____

3. HARDSHIP

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship approaching confiscation of property rights upon the applicant. Although the desire to increase the profitability of the property may be an indicator of hardship, it shall not be a sufficient reason in itself to justify the variance.

3a. HARDSHIP: _____

4. PUBLIC INTEREST

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or 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 neighborhood.

4a. PUBLIC INTEREST: _____

5. SPIRIT AND INTENT

Granting the requested variance will not be opposed to the general spirit and intent of the Zoning Ordinance.

5a. SPIRIT AND INTENT OF THE ZONING REGULATION: _____

The Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from in the application for a variance. In order to grant a variance, a majority of a quorum of the Board must vote for variance. The Board's determination, in writing, shall be sent to all affected parties.

The secretary of the Board shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board. All such evidence shall be filed in the Planning and Zoning office.

- V. Draw a sketch on the grid provided in this application and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

- VI. The applicant/agent hereby declares that all information submitted is true to the best of his knowledge and that all information required for this request has been included and that the date of the Public Hearing has been conveyed to the applicant/agent.

PUBLIC HEARING DATE: _____

APPLICANT:

AUTHORIZED AGENT:

Signature

Signature

Attachment(s): Sketch Yes No

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OFFICE USE ONLY

Date received: _____

Received by: _____

Fee paid: _____

Board action: _____

Date of action: _____