



Variance Case No. _____
Date Filed _____

Application for Variance

Name of Applicant _____ Phone _____

Mailing Address _____

Name of Authorized Agent _____ Phone _____

Mailing Address _____

Relationship of applicant to property is that of _____.
(Owner, Tenant, Lessee, other).

The variance is requested from the requirements set out in Section _____ of the
Zoning Regulations for property as addressed as _____

And legally described as _____

And which is presently zoned _____.

Provide a statement explaining the variance request: _____

Provide a brief statement setting out how this application will meet **ALL** of the five conditions as
described on the instruction sheet.

Uniqueness: _____

Adjacent Property: _____

Hardship: _____

Public Interest: _____

Spirit and Intent of the Zoning Regulations: _____

- Draw a sketch 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.
- The applicant/agent hereby declares that all information submitted is true to the best of their knowledge and that all information required for this request has been included.

Applicant:

Signature

Authorized Agent:

Signature

Office Use Only:

Received in the office of the Zoning Administrator on _____, 20____,
together with the appropriate fee of \$_____.

Name and Title

Planning Commission

Instructions: Application for Variance

1. The applicant must complete the attached application form. All blanks should be filled in, and those not applicable should be noted as N/A.
2. All applications shall be accompanied by an ownership list obtained from a certified abstractor listing the names and addresses of the owners of property owners within a 200-foot radius of, and including the property for which the application is requested.
3. The applicant must submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations for which the variance is requested; and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out by State Statute. The applicant's statement shall contain remarks pertaining to each of the said five conditions and the conditions are as follows:

The Planning Commission must find all five conditions to exist in order to grant a Variance.

- A. **Uniqueness:** The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.

Comment: In order for a property to qualify as unique, it must have unusual problems in its size, shape, configuration, or topography which are not shared by other properties in the neighborhood. Examples would be a lot which is traversed by a ravine which prevents a reasonable use of the property, or a lot which has rock out-croppings, or some other peculiar feature that would prevent reasonable development.

- B. **Adjacent Property:** The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.

Comment: Adverse side effects on adjacent property could include such things as creating drainage problems, blocking light and air, or causing a safety problem for an adjacent property. Also no variance can be granted if it would adversely affect the value of the adjacent properties.

- C. **Hardship:** The strict application of the provisions of the zoning regulations which the variance is requested will constitute unnecessary hardship upon the property owner requested in the application.

Comment: The hardship must be peculiar to the property in questions and not a general hardship equally applicable to other properties in the neighborhood. The hardship must not be self-created. Self-created hardships include knowledge of the restrictions on a property when it is purchased or the fact that other adjacent properties have developed subject to the restrictions. The regulation must be arbitrary, confiscatory, or unduly oppressive in order to qualify as a hardship. Hardship cannot be found where the buildings or structures could be rearranged on the site to conform to the regulations even if additional expense would be required. No basis for a hardship exists where and applicant shows merely that it would be more convenient or more economical to construct the improvement if the variance were granted.

- D. **Public Interest:** The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Comment: The variance must not create or aggravate a community or neighborhood problem such as surface drainage or a traffic hazard or simply be detrimental to the surrounding property.

- E. **Spirit and Intent of the Zoning Regulations:** The Granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

Comment: A variance must not be granted if the applicant is attempting to circumvent the regulations. If the variance causes substantial detriment to the public welfare, it is opposed to the intent of the regulations.

4. The applicant must submit a sketch showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which could be helpful to the Planning Commission in consideration of the application.
5. The above listed documents, together with the fee of \$200.00, shall be submitted to the office of the Zoning Administrator.
6. Upon filing this document, a date will be set for a public hearing. The meeting will be held on the second Tuesday of each month following a publication with a least 20 days notice. A notice will be prepared and sent to City's official newspaper for publication.
7. Upon returning of the "Proof of Publication: the Secretary of the Planning Commission will make a sufficient number of copies for the required mailing which must be made at least 10 days prior to the public hearing.
8. The applicant or their designated agent must be present at the Planning Commission Hearing in order for their request to be considered by the Commission.