



## ZONING VARIANCE APPLICATION

File Number _____	File Name _____
Date Received: _____	By: _____ Fee (\$50): _____
Hearing Date: _____	Notice Deadline: _____ (10 days prior to meeting)
<small>Resolution 16-09-20-01</small>	
Appointment with City Planning Official: _____	Reviewed by: _____

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Email/Contact Info: \_\_\_\_\_

Agent: \_\_\_\_\_ Phone: \_\_\_\_\_

I certify that I am the legal owner of the property submitted for a variance.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

VARIANCE is to permit \_\_\_\_\_

Where City Code requires \_\_\_\_\_

To help the planning commission gather facts about the zoning variance request, please complete the following:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;

A. True: \_\_\_\_\_

B. False: \_\_\_\_\_

2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;

A. True: \_\_\_\_\_

B. False: \_\_\_\_\_

3. That the strict application of the provisions of this title would result in unnecessary hardship;

A. True: \_\_\_\_\_  
\_\_\_\_\_

B. False: \_\_\_\_\_  
\_\_\_\_\_

4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;

A. True: \_\_\_\_\_  
\_\_\_\_\_

B. False: \_\_\_\_\_  
\_\_\_\_\_

5. That the variance will not allow a land use in a zone that prohibits that particular land use;

A. True: \_\_\_\_\_  
\_\_\_\_\_

B. False: \_\_\_\_\_  
\_\_\_\_\_

6. That approval of the variance is consistent with the comprehensive plan;

A. True: \_\_\_\_\_  
\_\_\_\_\_

B. False: \_\_\_\_\_  
\_\_\_\_\_

7. That the variance is not requested because of monetary considerations or inconvenience;

A. True: \_\_\_\_\_  
\_\_\_\_\_

B. False: \_\_\_\_\_  
\_\_\_\_\_

8. That the variance request is for work yet to be performed;

A. True: \_\_\_\_\_  
\_\_\_\_\_

B. False: \_\_\_\_\_  
\_\_\_\_\_

**17.04.044 (A)(B)(2)(a-f) Variance procedure.** A variance is a tool that gives an applicant relief from the strict application of the zoning title. It will permit a justifiable exemption or exception to the development requirements.. .when their imposition would result in unnecessary hardship or practical difficulties.

Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. To be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone. The applicant must meet with the planning official and address the "Criteria for Consideration in Establishing Approval" prior to being scheduled for a hearing.

A. Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered. After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;
2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;
3. That the strict application of the provisions of this title would result in unnecessary hardship;
4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;
5. That the variance will not allow a land use in a zone that prohibits that particular land use;
6. That approval of the variance is consistent with the comprehensive plan;
7. That the variance is not requested because of monetary considerations or inconvenience.
8. That the variance request is for work yet to be performed.

B. Application Procedure.

1. Applications must be initiated by the property owner or by an authorized representative. The required fee must be paid and an application on city forms must be filed no less than twenty-one days prior to the hearing date.

2. **Applications must be accompanied by a site plan that includes:**

- a. **North point arrow, date and scale;**
- b. **Exterior property boundaries and dimension;**
- c. **Access;**
- d. **All easements on the property;**
- e. **Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;**
- f. **Sewer and water lines and power poles serving the property.**