



Zoning Board of Appeals Variance Application

APPLICANT NAME: _____

MAILING ADDRESS: _____ PHONE: _____

PROPERTY ADDRESS OF VARIANCE REQUEST: _____

PARCEL NUMBER: _____ CURRENT ZONING: _____

FEE: Residential (\$100.00) Commercial/Industrial (\$200.00 + legal, engineering, & planning fees)

VARIANCE REQUESTED (ARTICLE AND SECTION NUMBER OF ZONING CODE AS DETERMINED BY STAFF)

WHICH TYPE OF VARIANCE IS BEING REQUESTED: NON-USE USE

A WRITTEN RESPONSE TO SECTION 40-87 B 1-6 (NON-USE VARIANCE) OR 40-87 C 1-4 (USE-VARIANCE) MUST BE INCLUDED. (SEE ATTACHED FORMS.)

PLEASE INCLUDE A SURVEY WHICH SHOWS THE PROPERTY THAT IS UNDER CONSTRUCTION, THE LOCATION OF ALL BUILDINGS, STRUCTURES AND NEIGHBORING STRUCTURES, IF APPLICABLE, AND SPECIFIC INFORMATION CONCERNING THE REQUESTED VARIANCE.

THE CITY RESERVES THE RIGHT TO REQUIRE ADDITIONAL INFORMATION IF THE APPLICATION DOES NOT MEET ALL REQUIREMENTS.

APPLICANT SIGNATURE: _____

DATE: _____



Register Imprint

CITY MANAGER APPROVAL: Yes No Date: _____

SIGNATURE: _____

HEARING DATE: _____ DATE PUBLICATION NOTICE: _____

DATE 300 FEET LETTERS SENT: _____

DECISION OF BOARD: _____

DATE APPLICANT NOTIFIED OF DECISION: _____

NON USE VARIANCE

A Non Use Variance is also known as a dimensional variance and is a modification of a provision or requirement of the zoning ordinance. Non use variance requests are typically associated with modifications of required yard setbacks, building heights, parking requirements, landscaping or buffering requirements and related building or facility placement provisions. The applicant is required to demonstrate a practical difficulty exists on the property.

Section 40-87 (B) allows non-use variances only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and certain conditions are met. (See the attached ordinance.) Please provide written statements answering the following questions: (Feel free to provide additional pages if necessary.)

1. What exceptional or extraordinary circumstances or conditions apply to the property in question that do not apply generally to other properties in the same zoning district?

2. What conditions or situations exist with the specific piece of property for which the variance is sought that are not of so general or recurrent of a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations?

3. Why is the variance necessary for the preservation and enjoyment of substantial property rights similar to other properties in the same zoning district and vicinity? (The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.)

4. How will the variance not be significantly detrimental to adjacent property and the surrounding neighborhood?

5. How will this variance not impair the intent and purpose of the City's ordinances?

6. Please indicate how the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

USE VARIANCES

A Use Variance allows a use of land that is not permitted in the district in which the property is located. Granting a Use Variance requires the applicant demonstrate that an unnecessary hardship would be imposed if the owner cannot use the property as requested.

Section 40-87 (C) 1-4 allows use variances only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and certain conditions are met. (See the attached ordinance.) Please provide written statements answering the following questions: (Feel free to provide additional pages if necessary.)

1. Please indicate how there is no financially viable use for the building, structure, or land if it is required to be used for a use allowed in the zoning district in which it is located.

2. How is the condition or situation of the specific piece of property or the intended use of such property for which the variance is being sought, unique to that property and not commonly present in the general vicinity of in the zoning district?

3. Please indicate how will the proposed use will not alter the essential character of the neighborhood or the intent of the City's master plan.

4. Please indicate how the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
