

APPLICATION FOR VARIANCE

Fee Paid \$ _____

Date Filed _____

Street Address of Property _____

Legal Description of Property _____

Owner's Name _____ Phone _____

Address _____

Applicant (if other than Owner):

Name _____ Phone _____

Address _____

Description of Request _____

Reason(s) for Request _____

Present Zoning Classification _____

Existing Use of Property _____

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Date accepted _____

Recommended _____ Denied _____ by the Planning Commission on _____, 19__

Approved _____ Denied _____ by the City Council on _____, 19__

If approved, the following conditions were prescribed:

1. _____
2. _____
3. _____
4. _____

If denied, denial was for the following reason(s): _____

PROCEDURES.

The procedure for obtaining a variance from the regulations of the Zoning Ordinance are as follows:

1. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application.
2. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
3. The Zoning Administrator shall review the application and within ten (10) business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.
4. The City shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the City cannot take action to approve or deny the application within sixty (60) days of receiving the completed application, the City may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.
5. When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than ten (10) days nor more than thirty (30) days prior to the hearing.
6. The Zoning Administrator shall transmit the application to the Planning Commission for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
7. The Planning Commission shall hold the public hearing, and may table the application for further investigation if necessary, or the Commission shall recommend to the Council one of the three actions, - approval, conditional approval or denial.
8. The City Council shall act upon the application within thirty (30) days after receiving the recommendation from the Planning Commission.
9. No application for a variance shall be considered by the City within a one year period following a denial of such request, except that the Zoning Administrator may permit a new application if new evidence or a change in circumstances warrant it.

CRITERIA FOR GRANTING A VARIANCE.

The City shall not consider as a variance any use that is not permitted for the property in the district where the affected person's land is located. No variance from the provisions or requirements of this ordinance shall be authorized by the City Council unless it finds evidence that all the following facts and conditions exist:

1. Exceptional or extraordinary circumstances or conditions apply to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
3. That the authorizing of such variance will not be of detriment to adjacent property and will not materially impair the intent and purpose of this ordinance or the public interest.
4. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. The literal interpretation of the provisions of this ordinance would cause undue hardship to the property owner. Economic conditions alone shall not be considered a hardship.

REQUIRED EXHIBITS FOR VARIANCES

The following exhibits shall be required:

Y _____ N _____
 Y _____ N _____
 Y _____ N _____
 Y _____ N _____

1. A completed application form.
2. An accurate boundary description of the property.
3. Evidence of ownership or enforceable option on the property.
4. An accurate drawing, at scale, showing property lines, locations of existing buildings and proposed project.

NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A VARIANCE. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A VARIANCE.