

## **APPLICATION FOR VARIANCE**

### **Requirements, Process and Application Packet**

It is through the development, redevelopment and preservation of the City – in accordance with the City’s Comprehensive Plan, development standards and zoning requirements that the City is shaped to the form and characteristics deemed desirable and suitable.

The City Council may allow a departure from the terms of the zoning regulations pertaining to height or width of a structure or the size of a yard or open space, where such departure will not be contrary to the public interest and where the departure is due to circumstances unique to the property because of its size, shape or topography and creates an undue hardship in developing it and that there are practical difficulties not created by the property owner in complying with the ordinance.

Undue hardship means the property in question cannot be put to a reasonable use if used under the conditionals allowed by the official controls. Economic considerations alone do not constitute practical difficulties.

A Variance must not negatively impact the health, safety and welfare of the community, must remain in harmony with the general Zoning Ordinance and must remain consistent with the Comprehensive Plan.

Once submitted, the variance application will be reviewed by the Community Development Department and presented to the Planning Commission at a public hearing. The Planning Commission will make a recommendation of approval or denial to the City Council along with any conditions that should be attached.

Packet includes:

- Brief description of permit use
- Application Deadlines
- Application
- Questionnaire

### **Variance – City Code, Chapter 10 – Section 8**

The purpose of a variance is to provide for deviations from the literal provision of this Ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions would be in keeping the spirit and intent of this Ordinance

**For information regarding application deadlines and meeting schedule, please see the Development Application Schedule**

|                   |         |
|-------------------|---------|
| Application Date: |         |
| Fee:              | Escrow: |

## VARIANCE APPLICATION

|   |                    |                            |      |
|---|--------------------|----------------------------|------|
| <b>PROPERTY INFORMATION</b><br><small>If multiple properties, attach separate sheet</small> | PARCEL ID #:       | COMP PLAN FUTURE LAND USE: |      |
|   | LEGAL DESCRIPTION: | ZONING DISTRICT:           |      |
|   |                    | LOT SIZE:                  |      |
|   | PROJECT ADDRESS:   |                            |      |
| <b>OWNER INFORMATION</b>  | NAME:              |                            |      |
|   | ADDRESS:           |                            |      |
|   | CITY:              | STATE:                     | ZIP: |
|   | PHONE:             | EMAIL:                     |      |
| <b>APPLICANT</b><br><small>If different than owner</small>                                  | NAME:              | PHONE:                     |      |
| <b>DESCRIPTION OF REQUEST</b>   |                    |                            |      |

### Submittal Materials

The following materials must be submitted with your application in order to be considered complete. A complete application must be made no later than the deadline for the Planning Commission meeting for which you wish to be heard. If you have any questions or concerns regarding the necessary materials, please contact the Community Development Department.

#### APPLICATION SUBMISSION MATERIALS

**Site Plan:** A scalable site plan, no larger than 11"x17", must be submitted which demonstrates the following:

- Property dimensions
- Grading plan
- Landscaping, including location of significant trees and/or woodlands
- Location of utilities
- Location of existing and proposed buildings (including total square footage, footprint and dimensions to lot lines)
- Location of existing and proposed curb cuts, driveways and access roads
- Existing and proposed parking, off-street loading areas (if applicable)
- Easements (if applicable)
- Sidewalks and trails

COPIES: 1 hard copy full scale 11" x 17" or 8 1/2" x 11" format and one electronic copy. Additional sizes and copies may be requested and required by the City for application completion.



## QUESTIONNAIRE – COMPLETION REQUIRED

Please attach answers on separate sheet of paper.

The ordinance requires that the conditions below must be satisfied in order for the variance to potentially be approved. On a separate page, explain in detail how your request conforms to the each of these requirements. Be specific when addressing these items, the Commission must establish findings which support the application as it relates to each of the following:

### Section A.

1. Existing use of the property
2. Description of the situation in which necessitates the request for the variance
3. Describe any physical or hydraulic impacts this project will have on water resources. Will the project involve the alteration of any surface water?
4. Provide an estimate of the acreage to be graded or excavated and the amount of soil to be moved. Describe any steep slopes or highly erodible soils and what measure will be used to minimize erosion.
5. Is this project in proximity to designated parks, trails, recreation areas, wildlife preserves or other unique resources?
6. Provide any additional information that would be helpful for the Planning Commission when reviewing this application.

### Section B.

7. What is the effect of the proposed variance upon the health, safety and welfare or the community?
8. How is the request in harmony with the general purposes and intent of the Zoning Ordinance?
9. How is the request consistent with the Comprehensive Plan?
10. The applicant establishes that there are practical difficulties in complying with the Zoning Ordinance. Explain how:
  - a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items.
  - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the neighborhood in which the parcel of land is located.
  - d. Economic considerations alone do not constitute practical difficulties
  - e. Will the variance involve a use that is not allowed within the respective zoning district?
11. What are circumstances unique to the shape, topography, water conditions or other physical conditions of the property?
12. How is granting of the variance necessary for the preservation and enjoyment of a substantial property right?
13. Explain how granting of the variance will not impair light and air to the surrounding properties, unreasonable increase congestion, increase the danger of fire or endanger public safety.
14. Explain how granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty.