

**ZONING BOARD OF APPEALS APPLICATION INFORMATION**

The Board of Appeals is established under State legislation, with specific powers and duties. The strict application of the Zoning Code may not always be appropriate, and some flexibility for individual circumstances is provided through the Zoning Board of Appeals. However, the Zoning Board of Appeals does not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of the Zoning Code, but does have the power to hear an appeal and grant variances, interpret code provisions and grant temporary uses as authorized in the Zoning Code (Chapter 42, Land Development Regulations, Division 7 of the Zoning Code).

The process of review by the Zoning Board of Appeals is established in the Zoning Code. All hearings conducted by the Board are done at meetings that are open to the public, where minutes are kept and records preserved. The Board must notify all owners of property within three hundred (300) feet of property that is the subject of the application of the time and place of the hearing 15 days prior to a meeting. In addition, a public notice will be published in the newspaper 15 days prior to a meeting. The Board considers all information and evidence pertaining to an application before making a determination. The Board regularly meets on the second Monday of every month. It is important that you provide the Board with pertinent information about your application. Information must be provided in advance of the meeting date so that the Board has the opportunity to thoroughly review and consider an application.

**IMPORTANT APPLICANT INFORMATION:**

Persons filing an application are responsible for providing materials for Board members that describe and graphically illustrate the request. The application and all other materials are submitted to the Department of Community Development, which prepares the meeting agenda for the Board, for distribution to the Board members prior to the meeting. Due to the public notice requirements established by the State legislation, the latest time for submitting an application and any related materials is 20 working days prior to the meeting date.

In addition to the standard application form that is attached, types of information that will help Board members understand your application include:

- Your description of function to be carried out in the structure in question, including specific functions which may dictate the size and/or shape of the proposed structure and proposed activity.
- Your sketches of the proposed structure including plan, elevations, and proposed location on the site.
- Your sketch of the property and adjoining properties and buildings pertinent to the request.
- Your staking of the property to show the extent of the building modification or alteration or, in the case of a new building, the location of the proposed building on the property.
- Your statement of the reason or hardship/practical difficulty that the Board should approve the application.

It is important for you to know that the applicant or representative must attend the Zoning Board of Appeals meeting at which your application will be heard.

**REVIEW FEE:**

Payment of \$135.00 for an application involving one-family residential uses; Payment of \$330.00 for all other uses.

**Please feel free to contact the Department of Community Development for assistance with your application.**

**ZONING BOARD OF APPEALS APPLICATION**

**FOR COMPLETION BY APPLICANT**

Application Date \_\_\_\_\_

Name of Applicant \_\_\_\_\_  
Print

Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Name of Property Owner (if different from Applicant) \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Address of the Property that is the subject of this Application:

Street Address \_\_\_\_\_

For Platted Property: Lot \_\_\_\_\_ of \_\_\_\_\_ Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: \_\_\_\_\_

Application Fee \_\_\_\_\_ (Residential Uses) \_\_\_\_\_ (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):

\_\_\_ **Variance from Zoning Ordinance:** Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Regarding: Use \_\_\_\_\_ Area \_\_\_\_\_ Yards \_\_\_\_\_

Setbacks \_\_\_\_\_ Parking \_\_\_\_\_ Other \_\_\_\_\_

Reason for Request (Also complete page 2 of application): \_\_\_\_\_

\_\_\_ **Appeal of Administrative Decision:** Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Reason for Request: \_\_\_\_\_

\_\_\_ **Interpretation of the Zoning Ordinance:** Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Reason for Request: \_\_\_\_\_

\_\_\_ **A Temporary Permit for:** Building \_\_\_\_\_ Use \_\_\_\_\_ Other Approval \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Reason for Request: \_\_\_\_\_

**FOR STAFF USE**

Application Number:	Filing Date:	Tentative Hearing Date:
Previous Application Filed Regarding This Property:		

### Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date