

Application to Appear Before the Appeal Authority

(See back side of application)

Name

Date

Address

Email

Phone

Application to the Appeal Authority is for:

_____ an interpretation of the Zoning Ordinance or zone boundary line.

_____ a variance in required front, side, or rear yards, or size of lot.

_____ a special exception to the ordinance or a special use permit.

Explain, in detail, the reasons for the application. Use additional sheets if necessary.

After the following items are returned to the City, a public hearing will be scheduled with the appeal authority. Notice will be posted per state guidelines and mailed to property owners within 300 feet of your property, ten days prior to the hearing.

_____ Completed application

_____ \$150 fee

_____ A plot plan showing the location of existing and proposed buildings on the lot and buildings on adjoining lots, when pertinent.

Note: Applicant will be required to reimburse the city for postage, newspaper notice, and fees billed by the appeal authority.

Signature of Applicant

Fee Paid \$ _____

Date _____

By _____

Hearing Date _____

_____ Approved _____ Not Approved

The standards that must be met before an Appeal Authority can grant a variance are narrow and difficult to meet. The State code is very clear. There are five conditions, of which **all must be met before a variance can be granted.**

The conditions are:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances; (The appeal authority may not find it an unreasonable hardship if the hardship is self-imposed or economic.)
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the land use ordinance is observed and substantial justice done.