

CITY OF PHILLIPSBURG
BOARD OF ZONING APPEALS

INSTRUCTIONS

APPLICATION FOR VARIANCE

1. Applicant must complete attached application form. All blanks should be filled in, and those not applicable should be noted as N/A.
2. All applications shall be accompanied by an ownership list obtained from current county records listing the names and addresses of the owners of all property within a 200-foot radius of, and including the property for which the application is requested. If the property adjoins the county, a list of property owners within 1,000 feet on the county side must be attached also.
3. The applicant must submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which variance is requested; and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out by state statute. The applicant's statement shall contain remarks pertaining to each of the said five conditions and the conditions are as follows:

THE BOARD MUST FIND ALL FIVE CONDITIONS TO EXIST IN ORDER TO GRANT A VARIANCE.

- A. **Uniqueness:** The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.

Comment: In order for a property to qualify as unique, it must have unusual problems in its size, shape, configuration or topography which are not shared by other properties in the neighborhood. Examples would be a lot which is traversed by a ravine which prevents a reasonable use of the property, or a lot which has rock croppings, or some other peculiar feature that would prevent reasonable development.

- B. **Adjacent Property:** The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.

Comment: Adverse effects on adjacent property could include such things as creating drainage problems, blocking light and air, or causing a safety problem for an adjacent property. Also, no variance can be granted if it would adversely affect the value of the adjacent properties.

- C. **Hardship:** The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Comment: The hardship must be peculiar to the property in question and not a general hardship equally applicable to other properties in the neighborhood. The hardship must not be self-created. Self-created hardships include knowledge of the restrictions on a property when it is purchased or the fact that other adjacent properties have developed subject to the restrictions. The regulations must be arbitrary, confiscatory or unduly oppressive in order to qualify as a hardship. Hardship cannot be found where the buildings or structures could be rearranged on the site to conform to the regulations even if additional expense would be required. No basis for a hardship exists where an applicant shows merely that it would be more convenient or more economical to construct the improvement if the variance were granted.

- D. **Public Interest:** The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Comment: The variance must not create or aggravate a community or neighborhood problem such as surface drainage or a traffic hazard or simply be detrimental to the surround property.

- E. **Spirit and Intent of the Zoning Regulations:** The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

Comment: A variance must not be granted if the applicant is attempting to circumvent the regulations and undermine the general spirit and intent of the regulations. If the variance causes substantial detriment to the public welfare, it is opposed to the intent of the regulations.

4. The applicant must submit a sketch showing the lot or lots included in the applications, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which could be helpful to the Board of zoning Appeals in consideration of the application.
5. The above listed documents, together with the fee of \$75 shall be submitted to the office of the City Clerk.

CITY OF PHILLIPSBURG
ZONING VARIANCE

1. APPLICANT _____ PHONE (____) _____
ADDRESS _____

NAME OF AGENT (if any) _____ PHONE (____) _____
ADDRESS _____

2. APPLICANT'S INTEREST IN PROPERTY (OWNER, TENANT, OTHER) _____

3. PRESENT USE OF PROPERTY _____
PROPOSED USE OF PROPERTY _____

4. PROPERTY LOCATION _____
LEGAL DESCRIPTION _____

5. CURRENT ZONING _____

6. ADJACENT ZONING AND LAND USE:

	<u>LAND USE</u>	<u>ZONING</u>
NORTH	_____	_____
SOUTH	_____	_____
EAST	_____	_____
WEST	_____	_____

7. THE VARIANCE REQUESTED IS FROM SECTION _____ WHICH REQUIRES THAT _____

8. EXPLANATION OF THE REQUEST FOR A VARIANCE _____

- 9. Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, approximate dimensions, and any other information that would be helpful to the board in evaluating the request.

The applicant/agent hereby declares that all information submitted is true to the best of his knowledge and that all information required for this request has been included.

APPLICANT

AUTHORIZED AGENT

Signature

Signature

Date

Date

----- FOR OFFICIAL USE ONLY -----

CASE NO: _____

DATE RECEIVED: _____

FEE PAID: _____

RECEIVED BY: _____

DATE ADVERTISED FOR HEARING: _____ PUBLIC HEARING DATE: _____

BOARD OF APPEALS FINDINGS ON EACH OF THE FIVE STATUTORY CONDITIONS:

SUPPORTED

UNSUPPORTED

- | | | |
|----------------------|-------|-------|
| A. UNIQUENESS | _____ | _____ |
| B. ADJACENT PROPERTY | _____ | _____ |
| C. HARDSHIP | _____ | _____ |
| D. PUBLIC INTEREST | _____ | _____ |
| E. SPIRIT AND INTENT | _____ | _____ |

BOARD ACTION _____
