



## VARIANCE APPLICATION

Applicant

Name:
Company:
Address:
City, State, Zip
Phone:
Fax:
Email:

### Submittal Checklist

	Site Plan
	Letter of Intent
	\$200.00 Application Fee (Check Payable to City of Sanger)

Describe the subject property (address, location, size, etc.):

---

---

Describe the proposed variance (how much, where on the property, for what purpose):

---

---

---

---

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

Office Use

	Fee
	Date



## VARIANCE REQUEST

A variance is permission to vary from the terms of the Zoning Ordinance, permission to construct something the Zoning Ordinance would otherwise prohibit because of unusual circumstances. Variance requests are considered by the Zoning Board of Adjustment following a public hearing. Variances are granted to relieve an unnecessary hardship or practical difficulty. A financial hardship is not justification for a variance.

A variance request must include the contents listed below. The City of Sanger will act on the request through the process described herein.

### SUBMITTAL REQUIREMENTS:

- Letter of Intent
- Site Plan
- Application form signed by the owner and describing the property
- Application Fee

### APPLICATION FEES: \$200.00

- The application fee covers part of the cost for the city to review and act on the rezoning request, including providing notice of the public hearings as required by law.
- The application fee is non-refundable.

**MEETING DATES:** The Zoning Board of Adjustment is scheduled to meet on the second Monday of each month, if there is business to be conducted. Meetings with no business are not held. Public hearings require both published and mailed notices to be made prior to the meeting. Application should be submitted about one (1) month prior to the meeting. Consult with City Staff prior to submitting your application for detailed scheduling information.



## VARIANCE REQUEST PROCESS

The process for considering and acting on a request for a Variance to the Zoning Ordinance involves the following steps:

1. **Pre-Application Consultation:** A pre-application consultation with the city staff is recommended for all proposed variances. Staff can describe the request process and the criteria used by the Board of Adjustment.
2. **Application:** The completed application, letter of intent, site plan, and application fee should be submitted to the Department of Development Services on or before the deadline.
3. **Public Notification:** State law and the Zoning Ordinance require the public to be notified of the public hearing to consider the variance. Notice of the public hearing must be published in the newspaper at least fifteen (15) days prior. Notification of the public hearing is also mailed to the owners of the property within 200 feet of the subject property at least ten (10) days prior.
4. **Zoning Board of Adjustment:** The Zoning Board of Adjustment (BOA) will hold at least one (1) public hearing on the proposed variance. The applicant is expected to address the Board to describe the proposed variance and answer questions. During the public hearing, anyone in attendance may address the Board with comments and questions. City Staff will prepare a report for the Board and possibly make a recommendation to the Board.

After the public hearing, the Board can grant a variance by majority vote of the Board Members. The Board can grant a variance up to the amount noted in the public notifications, but not more than that.



## VARIANCE REQUEST CRITERIA

The Zoning Ordinances sets the following criteria for the granting of variances from its strict terms.

In making its determination, the Board of Adjustment shall consider the following factors:

1. that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
5. no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Financial hardship shall not be considered grounds for the issuance of a variance.



## GUIDELINES FOR LETTER OF INTENT

All variance applications should include a Letter of Intent. The Letter of Intent is the applicant's opportunity to describe and justify the proposed variance to the City Staff, the Board of Adjustment, and the public at large. The Board will receive copies of the letter prior to the public hearings.

Recommended content for a Letter of Intent:

- Describe the location of the subject property. The description can include any or all of the following:
  - Physical address
  - Legal description, such as a tract and abstract, or a lot, block, and subdivision
  - Location (southwest corner of This Street and That Road, across the street from Landmark).
- Describe the requested variance, such as a reduction in the minimum required rear yard from 25 feet to 20 feet.
- Describe how the request matches the criteria required for a variance.
- Contact information for the applicant or representative. This can be the owner, the prospective buyer, or someone else designated as point of contact.

## GUIDELINES FOR SITE PLAN

All variance applications should include a Site Plan. The Site Plan is the applicant's opportunity to graphically describe the proposed variance to the City Staff, the Board of Adjustment, and the public at large. The Board will receive copies of the site plan prior to the public hearings:

Recommended content for a Site Plan:

- property lines with dimensions
- existing building and structures, with distances from property lines and other structures labeled
- proposed structures with dimensions and distances labeled
- required setback lines
- proposed variance with dimensions labeled

Applicants are also encouraged to submit pictures of the property, pictures of the existing buildings, and/or pictures or drawings of the proposed structures.