

VARIANCES

What is a Variance?

A Variance is a deviation from the zoning regulations as they apply to your property. A Variance must not be contrary to the public interest and it must be necessary due to a special condition of the property or in cases where the zoning regulations would result in unnecessary hardships* to the property owner. There are 5 criteria that must all be met in order to be eligible for a variance. The Planning Commission, which acts as the Board of Zoning Appeals determines Variance applications.

Step 1: Submit Application

- Application should be submitted with a written statement justifying the need for the variance as it relates to the five criteria stated in the application.
- Application should include a sketch drawn to scale, showing all existing/proposed structures, property lines, parking spaces, points of ingress and egress, driveways, and other helpful information.
- The Applicant will receive a letter confirming complete application has been received and be notified of Planning Commission meeting date.

Step 2: Public Notification

- The City will issue letters to all property owners within 1000 feet of the applicant's site address at least 15 days before the public hearing
- The City will issue a public notice to be published in the City newspaper 20 days before the public hearing.

Step 3: Planning Commission Public Hearing

- This Application requires a Public Hearing, which means the public is invited to give the Planning Commission their opinion or concerns during the review of the application. After the public hearing the commission will issue a decision.

Step 4: 30 Day Appeal Period Begins

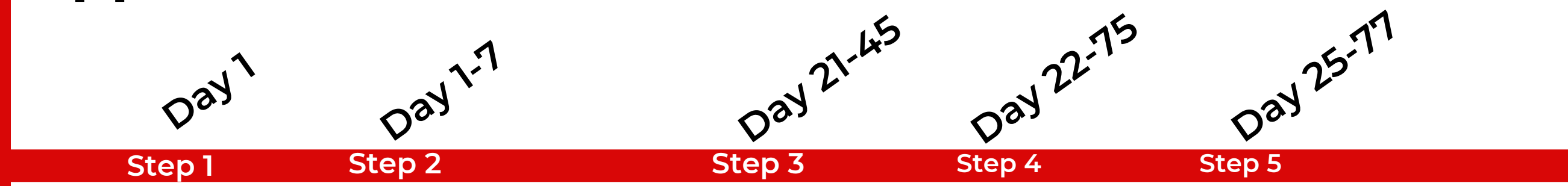
- Upon issuance of a decision the applicant or member of the public has 30 days to submit an appeal.
- Applicant will receive notification of decision and end date of 30 day appeal period. Any permits in relation to the variance will be issued conditional to the end of the appeal period.

Step 5: Final Notification

- If no appeal has been submitted after 30 days, Notice will be sent to the County Register of Deeds and applicant.
- Unless specified by the Planning Commission, Variance requests expire after one year if no substantial construction or change of use has occurred in accordance to the plans originally submitted.

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Application Timeline*



Note: The timeline of an application will vary subject to Planning Commission meetings. The process could take longer or shorter. All information must be received 24 days before a Planning Commission meeting in order to be placed on the Agenda. The Planning Commission meetings are on the first Tuesday of the month.

*The terms “Unnecessary Hardship” or “Undue Hardship” have generally been interpreted by the legal system to mean that all viable economic activity of the land will be taken away by the strict interpretation and application of the regulations, which results in a regulatory taking of property