

# 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 will submit the application justifying the need for the variance as it relates to the five criteria stated in the application.
- Application needs to 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.

## Step 2: Public Notification

- The City will issue letters to the applicant all property owners within 200 feet of the applicant's site address.
- 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. At the end of the public hearing the BZA/Planning Commission will render their decision. Applicant will be sent a letter with the boards decision with any limitation imposed. The letter will include the date the applicant can proceed if no appeal has been filed with the Dickinson County Court.

## 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.

## Step 5: Final Notification

- If no appeal has been submitted after 30 days, Notice will be sent to the County Register of Deeds.