

Zoning Appeals Exception Guidelines for Variance Application

Filing Procedures: This process takes place over a 60-90 day period. If any notice or publication is missed due to any reason, the process must be restarted. The applicant shall complete the application in addition to supplying the following:

1. Two (2) plot plans drawn to scale containing:
 - a. The exact dimensions of the property with all existing or proposed structures and signs on the property.
 - b. All required parking designed in accordance with Ulysses-Grant County regulations.
 - c. All existing easements.
 - d. Street names, north arrow, and scale.
- e. Provide Names and Address of all land owners within 200' (in city) or 1000' (in county). This may be obtained from County Appraiser's Office
(Located in County Court House)
2. The City Ordinance has set the fee of \$100.00 payable to the City Clerk (City of Ulysses) when the application is received.
3. The Board of Zoning Appeals meets on the Third Thursday of each month at 6:00 p.m.

NOTE: This application must be filled out completely and submitted with all the required exhibits to the Zoning Administrator before the application will be considered. Newspaper advertisement dates may dictate schedule for submission to the Board of Zoning Appeals. Copy of notice shall be published once in the newspaper at least 20 days prior to the date fixed for hearing.

IMPORTANT: The applicant or an authorized representative must be present at the public hearing.

CITY OF ULYSSES/GRANT COUNTY
BOARD OF ZONING APPEALS
ZONING VARIANCE APPLICATION

Applicant/Owner Name & Address: _____ Phone: _____

Property Address: (If any) _____

Legal Description: Lot _____ Block _____ Addition _____

Applicant's interest in property: (Owner, Agent, Other) _____

Agent Name & Address: (if any) _____ Phone: _____

Present Zoning of property: _____ Present Use of property: _____

Application is made in accordance with zoning regulations section(s):

Adjacent land use & zoning:

North: Land Use: _____ Zoning: _____

South: Land Use: _____ Zoning: _____

East: Land Use: _____ Zoning: _____

West: Land Use: _____ Zoning: _____

Explanation for Variance request or change to property: (include extra sheet if needed)

The owner/agent hereby declares that all information above is true to the best of his/her knowledge, that all conditions and standards set out in the Zoning Regulations pertaining to this use have been met or have been proposed to be met, and that, along with this application, sketch maps and the appropriate review and filing fee have been submitted.

Applicant/Agent Signature & Date

_____ Applicant / Agent (circle one)

Board Use:

(1) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions set out in Section 5.2.b of this Article (listed below).

(2) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots existing in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information, which would be helpful to the Board in consideration of the applications, should be included.

Variance: To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

- a. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located.
- b. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on **each** condition, and the finding shall be entered in the record.

| CONSIDERATIONS FOR APPROVAL OF VARIANCE (SECTION 5.2.b) | TRUE | FALSE |
|--|------|-------|
| 1. 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 of the property owner or applicant. Comments: | | |
| 2. ADJACENT PROPERTY: The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents. Comments: | | |
| 3. 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. Comments: | | |
| 4. SPIRIT AND INTENT: The variance desired does not adversely affect the public health, safety, morals, order, convenience, property or general welfare. Comments: | | |
| 5. PUBLIC INTEREST: The granting of the desired variance will not be opposed to the general spirit and intent of the zoning regulations. Comments: | | |

