

APPEAL APPLICATION



"GROW WITH US"

CITY OF ST. ROBERT, MISSOURI
APPEAL
APPLICATION



"GROW WITH US"

Date of Filing: _____

Application No.: _____

Application Fee: **\$75.00**

Received By: _____

The signers of this application petition the St. Robert Board of Adjustment to convene a public hearing to consider an appeal of the final order or decision by the Land Use Administrators office dated on _____.

- A. Under the provisions of Chapter 409, Section 409.003, Subparagraph B, of the Land Development Regulations of the City of St. Robert, Missouri, the standards that an applicant must meet are more stringent than those for granting a variance. In order to qualify for relief from the strict administration and enforcement of the regulation, it is the applicant's burden to establish each of the three factors identified below. If an applicant fails to satisfy the first factor of the three-part test, there is no need to review the other factors.
1. **Unnecessary Hardship**: The applicant must establish that he would suffer "unnecessary hardship" in carrying out the strict letter of the zoning or subdivision regulation.
 - (a) The applicant must demonstrate that he would be deprived of all beneficial use of the property under the permitted uses of the zoning district.
 2. **Unique Character of the Property**: The applicant must demonstrate that the hardship is due to the unique character of the property and not due to general neighborhood conditions.
 - (a) The applicant must demonstrate some unique condition exists on the property that would prevent him from complying with the strict letter of the regulations for the zoning district in which the property is located.
 - (b) The Board of Adjustment must consider whether approval would alter the essential character of the neighborhood.
 3. **Substantial Justice**: The applicant must demonstrate that granting the appeal would result in substantial justice for all parties concerned.
 - (a) The Board of Adjustment must balance the equities, and consider any detrimental effects the appeal might have on nearby properties and the municipality in general.
- B. Under the provisions of Chapter 409, Section 409.003, Subparagraph C, of the Land Development Regulations of the City of St. Robert, Missouri, the Board of Adjustments may grant an appeal of the regulations if it can be determined that:
1. That the property in question cannot reasonably be used for the purposes permitted in the zoning district in which the property is located.
 2. That granting the appeal will not constitute a grant of special privilege to the property owner that is inconsistent with the permitted uses of other property in the same vicinity.
 3. That the plight of the owner is due to unique circumstances that is not the general condition of the neighborhood and is not the result of the owner's action.

The unified zoning and subdivision regulations of the City of St. Robert can be reviewed on the City web site at www.saintrobert.com, by accessing the "City Ordinance Codes" link and referring to "Title VI: Land Use".

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- 4. That the property in question cannot reasonably be used for the purposes permitted in the zoning district in which the property is located.

NOTE: The developer has the duty of compliance with reasonable conditions laid down by the Commission and the Aldermen for the design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the city, and to promote the safety and general welfare of the future lot owners in residential and nonresidential subdivisions and of the community at large; the subdivision of land being a privilege conferred through these Regulations.

We, the signers of this application, do attest to the truth and correctness of all facts and information presented with this application. The City of St. Robert is authorized to prepare and deliver to the Daily Guide; all required public notice advertising required by RsMO 89.050.

CURRENT PROPERTY OWNER'S NAME(S):

Name of current owner(s): _____
(please print)

If corporation: Corporate official: _____
(please print)

Mailing address: _____ City: _____ State: _____
(corporate seal)

Zip Code: _____ Telephone Number: _____ Fax No.: _____

PROPERTY OWNER(S) SIGNATURE:

Signature(s): _____

APPLICANT NAME: (if different from the owner)

I hereby certify that I am authorized to represent all property owners of the above-described tract in this application proceeding. A power of attorney is attached.

Name: _____ Signature: _____
(please print)

Mailing address: _____ City: _____ State: _____

Zip Code: _____ Telephone Number: _____ Fax No.: _____

APPLICANTS SIGNATURE: _____ Date: _____

Note to Applicant: Incomplete applications will be rejected and returned to the applicant. All applications must be submitted to the City of St. Robert Building and Land Use Department a minimum of 30 days prior to the projected Board of Adjustments hearing date. (*Application fees are non-refundable)

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ATTACHMENT A

- A. The following supporting documentation must accompany the appeal application. Discuss with the Land Use Administrator any alternative documents that will serve as an acceptable substitute that can be filed with the variance application.
1. A description of the decision or regulation being appealed, and the date of the decision. (attach a copy of any written formal notice or decision served upon the applicant)
 2. Legal descriptions, maps, plans and/or other information so as to completely describe the decisions or regulation being appealed.
 3. The current zoning district classification of the property.
 4. A clearly written narrative of the reason for your appeal and the hardship that is created if the appeal is not granted on your behalf.
 5. In all instances where new development is proposed or a change of zoning district is sought, a development plan containing the following information must be included with the application:
 - (a) North arrow and scale.
 - (b) Property line locations.
 - (c) Location of existing and proposed buildings, with their setback distances from property lines, easements and street right-of-ways.
 - (d) Existing and proposed street right-of-way lines, driveway entrances and easement lines.
 - (e) Reserved open space areas, vegetative or screened buffer areas and areas designated for landscaping.

