

VARIANCE APPLICATION



"GROW WITH US"

**CITY OF ST. ROBERT, MISSOURI
DENSITY VARIANCE
APPLICATION**



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Date of Filing: _____

Application No.: _____

Application Fee: **\$100.00**

Received By: _____

The signers of this application petition the St. Robert Board of Adjustment to convene a public hearing to consider a variance to the provisions of Section _____ of the Land Development Regulations.

- A. Under the provisions of Chapter 409, Section 409.009, Subparagraph E, of the Land Development Regulations of the City of St. Robert, Missouri, a variance can be granted to provide relief from strict compliance with the zoning regulation at issue that poses “practical difficulties” or “unnecessary hardships” and prevents the owner from making reasonable use of his property. The applicant, must provide a written response as to how your request for a variance would satisfy each of the following five factors to prove that “practical difficulties” or “unnecessary hardship” exist:
1. Size of the Variance: How substantial is the requested variance in relation to the requirements of the applicable zoning regulation and how would the development of the property be adversely hindered without the variance?
 2. Effect on Government Services: What effect will the requested variance have on population, density and available government facilities?
 3. Effect on Neighbors or Neighborhood: What effect will the requested variance have on the character of the existing neighborhood in general, and on adjoining neighbor’s properties?
 4. Alternatives to a Variance: Can the difficulty or hardship that would be created without a variance be alleviated by some other feasible alternative? What alternatives have been considered and why were they unacceptable?
 5. Justice: Explain in detail what difficulties or hardships exist and how they came to exist, and how justice would be served by granting a variance to overcome the difficulty or hardship that exists.
- B. Under the provisions of Chapter 409, Section 409.009, Subparagraph F, of the Land Development Regulations of the City of St. Robert, Missouri, variances may be approved or denied by the Board of Adjustments using the following rules when considering the applicants variance request:
1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardship within the purpose of zoning. The applicant may not cite expenses incurred in violating this Regulation as a reason for granting relief from its terms.
 2. Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to a future owner of the subject property, but it cannot be transferred by the applicant to a different site.
 3. A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one year after the date it was granted, the variance can be canceled by the Board of Adjustment and written notices shall be given to the property owner.
 4. In granting a variance, the Board of Adjustment may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Regulation. Violation of any of these conditions or safeguards shall be deemed a violation of this Regulation.

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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- 5. The Board of Adjustment does not possess the power to grant a “use” variance (authorizing a use of land or building that is not permitted as a principal use or structure, accessory use or structure in the district involved).
- 6. The Board of Adjustment may not grant a variance authorizing the enlargement of a nonconforming use, or in any way make it more permanent.

NOTE: A variance is not “granted” to an individual, group, corporation, firm or company, but is a permitted variation to the strict adherence of the guidelines of the adopted zoning or subdivision regulations of the City that runs with the land regardless of ownership. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of this Regulation would result in practical difficulties or unnecessary hardships for the applicant, and that, by granting the variance, the spirit of this Regulation will be observed, public safety and welfare secured, and substantial justice done.

NOTE: In considering an application for a variance, the Board of Adjustment is to determine whether strict application of the zoning regulation at issue would result in “practical difficulties or unnecessary hardship” as defined by RSMO 89.100. “Practical difficulties or unnecessary hardship” means that the owner of the property must be able to show, if he complies with the provisions of the Regulation, that he cannot make any reasonable use of his property.

We, the signers of this application, do attest to the truth and correctness of all facts and information presented with this application and understand the “practical difficulties or unnecessary hardship” standards we must prove to the Board of Adjustments. 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 variance 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. The correct legal description of the property.
 2. The current zoning district classification of the property.
 3. The name, address, and phone number of the property owner(s).
 4. If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the applicant(s), and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.
 5. A clear written narrative of the variance that is being requested, the necessity of the variance being requested and the difficulty or hardship that would be created if the variance is not granted.
 6. In all instances where new construction is involved or where yard or parking variances are requested, a site plan containing the following information shall be included:
 - (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) Street right-of-way lines.
 - (e) Utility or other easement lines.

