



1 Paul Parks Drive

St. Clair, Missouri 63077

## **VARIANCE REQUEST**

<b>SECTION A, APPLICANT INFORMATION</b>			
Applicant Name			
Mailing Address			
City, State, Zip			
Telephone	Fax	E-mail	
<b>SECTION B, PROPERTY LOCATION AND DESCRIPTION</b>			
Township	North,	Range	Section
Tax ID Number (16 digits)			
Development Site Address			
Zoning District	Political Township		Total Acres
Current Subdivision Name			Lot Number

Now comes the above named applicant, who resides at the above address and asks the Board to vary the strict application of such provisions of the Zoning Ordinance of St. Clair, Missouri in this particular case because a strict and literal enforcement of its provisions would result in unnecessary difficulty or hardship inconsistent with the general provisions and intent of such regulation.

**Requirements:** The following particular requirements create an unusual condition or hardships:

**Characteristics:** The following characteristics of the subject property prevent compliance with the above requirements of the Zoning Ordinance of St. Clair, Missouri.

**Hardship:** The following particular hardship would result if the above requirements of the Zoning Ordinance of St. Clair, Missouri, were applied to the subject property:

**Modification:** The following modification of the provisions of the Zoning Ordinance of St. Clair, Missouri, is proposed as necessary to relieve or alleviate the hardship.

WHEREFORE, it is requested that a hearing be had in such manner, in which the appellant may appear in person or by agent or by attorney, and present to the Board sufficient evidence upon which the Board may make the findings required by the Zoning Ordinance of St. Clair, Missouri in the granting of such variance.

Furthermore, as applicant(s), I (we) understand that for a variance to be granted under Article XII Section C, Zoning Ordinance of St. Clair, Missouri, the Board must vote on each of the following findings listed in Article XII, Section C:

1. Special circumstances exist which are peculiar to the applicant's land, structure of building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
2. Strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same district.
3. The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this ordinance.
4. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this ordinance.

The variance will neither result in the extension of a nonconforming situation nor authorize the initiation of a nonconforming use of land.

Additionally, in granting variances, such reasonable conditions may be imposed as will ensure that the use of property to which the variance applies will be as compatible as practicable with the surrounding properties. A variance may be issued for an indefinite duration or for a specified duration only.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

***CITY OF ST. CLAIR, MISSOURI  
BOARD OF ADJUSTMENT***

***-INSTRUCTIONS-***

**How to qualify for a variance:**

An application for variance shall be signed by the applicant and submitted to the administrative officer. The burden of proof to obtain a variance is on the applicant.

The application shall contain or be accompanied by such legal description, maps, plans, and other information so as to completely describe the proposed use and existing conditions.

A filing fee of \$10.00 shall be paid to the City of St. Clair with each application.

The administrative officer shall review the application and determine that sufficient data is contained to adequately described the situation to the board of adjustment. If the data is not adequate, the administrative officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the board of adjustment.

**APPLICATION FOR VARIANCE**

Application is hereby made to the Board of Adjustment of the City of St. Clair, Missouri for a Zoning Variance on property legally described below:

Filing fee enclosed. (\$10.00)

**APPLICANT'S NAME:** \_\_\_\_\_ **HOME PHONE:** \_\_\_\_\_  
**ADDRESS-** \_\_\_\_\_ **BUSINESS PHONE:** \_\_\_\_\_

The undersigned, being the owner of record of the described real property, hereby requests that a variance be granted for the reasons stated: Copy of property deed attached.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:** (If meets and bounds, please attach)

*(Includes a meets and bounds legal description and/or a lot and block description if subject property is part of an existing subdivision in the City of St. Clair)*

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**CITY OF ST. CLAIR, MISSOURI  
BOARD OF ADJUSTMENT**

**STREED ADDRESS OF PROPERTY:** \_\_\_\_\_

**CURRENT ZONING CLASSIFICATION:** \_\_\_\_\_

**DESCRIPTION OF REQUESTED VARIANCE:** A variance would authorize deviation from zoning regulations that govern how uses are situated on a lot. For example – bulk (total lot) area, height, width or depth, density (housing units per square feet of lot area), building or structure setback from property lines, and green space or parking regulations.)

*(Provide a description of the requested variance)*

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**INCLUDE A PLOT PLAN OR SKETCH DRAWN TO SCALE SHOWING THE PROPERTY LEGALLY DESCRIBED IN THIS APPLICATION. PLAN MUST INCLUDE:** *(Including all of the following that apply to the property)*

- 1) **ANY EXISTING STRUCTURES ON THE PROPERTY** *(Show property boundaries and the location and the dimensions of all the buildings or other structures on the property) ; AND*
- 2) **NEW OR CHANGES IN EXISTING STRUCTURE NECESSITATING THE VARIANCE REQUEST;** *(Show or describe any new or proposed changes in existing buildings or structures that have or would make a variance necessary); AND*
- 3) **ALL EASEMENTS, SETBACK LINES AND DIMENSIONS – THOSE EXISTING AND ANY CHANGES REQUESTED.** *(Show all utility, street or other easements on the property and all building setback lines and property dimensions related to the property and the requested changes)*

**CITY OF ST. CLAIR, MISSOURI  
BOARD OF ADJUSTMENT**

**AN APPLICATION FOR VARIANCE MUST ADDRESS EACH OF THE FOLLOWING POINTS:**  
*(The Board of Adjustment must be able to find that each of the following for conditions are met in order for the Board of grant a variance. You may use additional pages as needed to document your request.)*

- 1. IDENTIFY ANY SPECIAL CIRCUMSTANCES OR CONDITONS THAT EXIST WHICH ARE PECULAR TO THE APPLICANT’S LAND, STRUCTURE, OR BUILDING AND THAT DO NOT GENERALLY APPLY TO THE NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME ZONING DISTRICT OR VICINITY.**

*(Is there anything unique or different about the subject property that distinguishes it from the other propterty in the area or zoning district? Do special circumstances related to the land or building exist, or have they come into existence, which are beyond the control of the applicant?)*

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- 2. DESCRIBE HOW THE STRICT APPLICATION OF THE PROVISIONS OF THE ZONING ORDINANCE WOULD DEPRIVE THE APPELLANT OF REASONABLE USE OF THE LAND, STRUCTURE, OR BUILDING IN A MANNER EQUIVALENT TO THE USE PERMITTED TO BE MADE BY OTHER OWNERS OF THE NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME ZONING DISTRICT.**

*(Explain how the strict application of the provisions of the Zoning Code would keep the applicant from having ‘reasonable use’ of the land, structure or building. Applicant must be able to show that the property could not yield a reasonable return if used for any of the uses permitted within the zoning district. A business decision is generally not sufficient to meet this standard.)*

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- 3. DESCRIBE ANY SPECIAL CIRCUMSTANCES THAT ARE NOT THE RESULT OF ACTIONS OF THE APPLICANT TAKEN AFTER THE ADOPTION OF THE CITY’S ZONING ORDINANCE.**

*(Describe any special circumstances that existed prior to adoption of the zoning ordinance and that are not the result of the applicant’s action, or decisions taken after the zoning ordinance was adopted. Did something change that was outside the control of the applicant?)*

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- 4. EXPLAIN HOW, IF THE VARIANCE IS APPROVED, THE REQUESTED VARIANCE WILL NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC WELFARE OR IMPAIR THE PURPOSES AND INTENT OF THE ZONING ORDINANCE.**

*(Describe how the requested variance will not cause substantial harm to the character of the neighborhood or to adjoining property.)*

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**CITY OF ST. CLAIR, MISSOURI**  
**BOARD OF ADJUSTMENT**

**ADDITIONAL RULES TO BE CONSIDERED BY THE BOARD OF ADJUSTMENT:**

- a. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardship within the purpose of zoning. *(This provision relates to reasonable use of property within the zoning district. The applicant must be able to show that the subject property could not yield a reasonable return if used for any of the uses permitted within the zoning district. This consideration is directly related to point number 2 of the required findings by the Board of Adjustment.)*
- b. The board does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use of structure, accessory use or structure in the zoning district involved in the applicant's request. *(This provision prevents the Board of Adjustment from allowing uses which are not allowed within the subject zoning district. If the requested use is not allowed as a listed use or as a conditional use or cannot be considered a similar to such uses. The board doesn't have the authority to allow such a requested use. In such a case the zoning ordinance would have to be amended by the Board of Alderman.)*
- c. In granting a variance, the board may attach thereto any conditions and safeguard it deems necessary or desirable in furthering the purposes of the zoning ordinance. Violations of any of these conditions or safeguard shall be deemed a violation of the zoning ordinance. *(In other words, if a variance is approved, it may have certain conditions or safeguard as may be determined by the Board of Adjustment attached to the variance. These conditions then become part of the city zoning ordinance and will be enforced as a zoning violation if not adhered to by the person receiving the variance.)*
- d. Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied for the variance. Consequently, the variance is transferred by the applicant to the different site. *(if the property changes ownership the variance conditions will go with the property and the new owner will also be required to comply with any established conditions attached thereto)*
- e. 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



*These are the minimum submittal requirements needed for review. Failure to provide all information will result in application being returned.*

**PLANNING & ZONING COMMISSION  
REZONING APPLICATION CHECKLIST**

**Applicant**

\_\_\_\_\_

(Address) \_\_\_\_\_

(Phone/fax/e-mail) \_\_\_\_\_

**Location (Address):** \_\_\_\_\_

**Property Owner:**

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

(Phone/Fax/e-mail) \_\_\_\_\_

**Legal Description of Property** (other than physical address; also, include parcel ID #):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Current Zoning:** \_\_\_\_\_ **Proposed Zoning:** \_\_\_\_\_

**Current Use:** \_\_\_\_\_

\_\_\_\_\_

**Proposed Use:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Fee Paid/Date:** \_\_\_\_\_