



VARIANCE REQUEST PROCEDURES

City of Jackson, Missouri

A variance is a relief from some provision of the zoning code. Variances may be granted under certain conditions related to a hardship of the property. Variance requests are heard by the Board of Adjustment, a five-person appointed Board, of which four positive votes are necessary to grant a variance.

1. Property owner obtains a variance application from Building & Planning Department or from the www.jacksonmo.org website.
2. Property owner submits a completed variance application with **\$50.00 non-refundable filing fee** to the Building & Planning Department no less than fourteen (14) days prior to the next scheduled meeting date of the Board of Adjustment. All legal owners of the property must sign the application and the application must be submitted with all original signatures.
3. The application will be reviewed by City staff to ensure that all necessary information has been provided and a letter will be sent to the applicant informing them of the date and time of the meeting at which a public hearing will be held on their request.
4. A notice will be placed in the Cash-Book Journal or other local newspaper, and letters will be sent to owners of all property within 185' of the property on which the variance is requested, stating the requested variance and the date and time of the public hearing. The 185' measurement does not include street or alley rights-of-way so may, in total, be an actual measurement greater than 185'.
5. The Building & Planning Superintendent will present the application and all other pertinent information to the Board of Adjustment prior to their next scheduled meeting. **Meetings are held at 5:30 p.m. on the fourth Thursday of the month, unless no variance requests are received at least 14 days prior to the meeting date.**
6. During the public hearing portion of the meeting, the owner or his representative will be given an opportunity to speak before the board in support of their request. All other interested parties present will also be given an opportunity to speak in favor of, or in opposition to the request. The board will take all testimony into consideration when making their decision.
7. At the meeting, the board will then discuss the request, and may take action or table the request pending any further information or discussion they deem necessary.

Tips for Presenting Your Case

Clearly describe, in your own words, why you are requesting a variance and what condition of your property causes you to need a variance. For example, "I have an older vacant lot that is 9,000 square feet in area. For me to construct a new home on this lot, city regulations state that the front of the building must be 30'-40' from the front lot line. There is a large storm sewer pipe running through my property 35' from the front lot line that cannot be moved. I would like the Board of Adjustment to grant a 15' variance so that I may locate my house behind this pipe. My house will be a small enough house to meet all other setback requirements, but without a variance from the front setback requirement, I am unable to build any house at all on this property."

In your application and at the hearing you must show that the hardship for which the variance is being requested is unique to this property, that no beneficial use of the property is available without this variance, and that other alternatives are not feasible without the variance. Please note that self-created hardships or conditions of owners or tenants (financial considerations, health reasons, construction that was done without a permit, etc.) may not be considered by the Board as conditions of the property. The fact that it is easier or

cheaper to develop your property, or that you will not be able to build additional structures or enlarge existing structures without the variance is not usually proof of hardship. Each case will be examined by the Board based on its own merit and must be found to meet their Criteria for Granting Variances guide sheet before a variance can be granted.

Any plans, maps, charts, photographs, correspondence, petitions, drawings, or other information that support your case will be helpful and should be attached to the application and submitted with your application and/or brought to the hearing and presented to the Board.

In considering an application the Board must find that the following criteria are met in order to grant a variance:

- 1) The zoning district map is not changed by the variance.
- 2) Adequate supply of light and air to adjacent properties is not impaired
- 3) Congestion in public streets is not increased.
- 4) The danger of fire is not increased.
- 5) Established property values within the surrounding area are not diminished or impaired.
- 6) Public health, safety, comfort, morals and welfare of the City of Jackson are not diminished.
- 7) Lack of a variance creates an undue hardship on the property owner due to circumstances unique to the individual property under consideration, (not due to circumstances related to the property owner or residents or to financial conditions).
- 8) Owner is denied all beneficial use of the property without a variance.
- 9) The granting of a variance is in keeping with the spirit and intent of the provisions of the zoning ordinance,
- 10) The variance does not change the use of the property.

Since the decision of this Board may only be appealed to the Circuit Court of Cape Girardeau County within 30 days of the Board's decision, it is in the applicant's best interest to present all the facts important to his/her request at the hearing. It is highly recommended that the applicant and/or his/her personal representative attend the hearing to present their case in person and to answer any questions that may arise.

If you have any questions about any part of this process, please contact:

Janet Sanders, Building & Planning Superintendent
101 Court St., Jackson, MO 63755
Phone: 573-243-2300, Fax: 573-243-3322
Email: jsanders@jacksonmo.org

CITY OF JACKSON
Citizen Guide to Public Hearing Procedures



The Mayor or Chairman will open the hearing and request a staff report. The applicant will then be asked to present their case. The Mayor or Chairman will then ask if any citizens are present to speak in favor of the request. Each speaker will be given an opportunity to concisely state their support. After hearing all supporting speakers, the Mayor / Chairman will ask if any are present to speak in opposition. Those citizens will also be given an opportunity to concisely present their objections. The applicant may be given a second opportunity to speak to answer any questions or comments. Citizens who are in favor or opposed, or those who just have questions, are encouraged to come forward. Remember, we want to hear your comments!

All hearings are recorded on audiotape and entered into the case file.

Each citizen speaker addressing the Board must:

- a. Approach the podium and be sworn in.
- b. State their name and address for proper entry into city records.
- c. Speak in a clear, concise, and understandable manner.
- d. Please limit comments to a reasonable period of time. All comments will be heard before any one individual addresses the Board a second time.

The purpose of the hearing is to allow the Board to gather all possible information concerning the project or issue under consideration and not be used as a forum for debate. All comments shall be made directly to the Board. Arguments between citizen speakers will not be tolerated.

Please show respect for those with opinions or statements that differ from yours.

Understand that any inappropriate comments, profanity, insults, or threats addressed towards any person or group will not be tolerated.

All information will be taken into consideration in the Board's final deliberation.

After the hearing is closed, the Board will not permit any further comments from citizens or audience members unless questions are specifically addressed to these citizens by board members.

If you have not signed the attendance record at the entry door desk, please do so at the end of the meeting.

Thank you for attending this public hearing.



VARIANCE REQUEST APPLICATION

City of Jackson, Missouri

APPLICATION DATE: _____

PROPERTY LOCATION:

Street Address: _____

Other description of location if property not addressed: _____

CURRENT PROPERTY OWNERS (all legal property owners listed on the deed). Provide a copy of the most recent deed(s) with this application.

Names, Addresses & Phone #s: _____

PROPOSED PROPERTY OWNERS: (If tract is to be transferred):

Names & Addresses: _____

CURRENT ZONING: (circle)

- | | |
|---------------------------------------|-------------------------------|
| R-1 (Single-Family Residential) | C-1 (Local Commercial) |
| R-2 (Single-Family Residential) | C-2 (General Commercial) |
| R-3 (One- And Two-Family Residential) | C-3 (Central Business) |
| R-4 (General Residential) | C-3 (Central Business) |
| MH-1 (Mobile Home Park) | C-4 (Planned Commercial) |
| O-1 (Professional Office) | I-1 (Light Industrial) |
| | I-2 (Heavy Industrial) |
| | I-3 (Planned Industrial Park) |

CONTACT PERSON HANDLING THIS APPLICATION:

Contact's Name: _____

Contact's Mailing Address: _____

PRIOR VARIANCE HISTORY:

Have there been any prior applications for Board of Adjustment action for this property? If so, please include the date of previous application. YES NO Date: _____

Approved? . YES NO

Description of prior variance request: _____

REASON FOR THIS REQUEST: (attach additional page if necessary)

Please describe your reason for this request, including a description of the specific condition(s) of the property that prevent your use of the property without the requested variance:

SITE PLAN:

Attach a site plan of the property in question. This site plan should include the proposed construction, all existing structures on the property, all streets, alleys, easements, property lines, etc. Please include dimensions (measurements) of all structures and measurements from the structure in question to other structures and to all property lines. Please also show the location of all unusual physical features of the property that pertain to the problem.

PERMISSION TO VISIT PROPERTY:

The owner hereby gives permission for members of the Board of Adjustment and/or city staff to enter within the boundaries of the real estate listed herein to examine the location(s) and property conditions involved in the proposed variance.

Yes No

OWNERS' SIGNATURES:

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the property deed(s), trustees if the property owned by a trust, or the authorized signer(s) if the property is owned by a corporation or other entity):*

Please submit this application along with \$50.00 non-refundable application fee to:

Janet Sanders
Building & Planning Superintendent
City of Jackson
101 Court Street
Jackson, MO 63755

573-243-2300 ext.29 (ph)
573-243-3322 (fax)
jsanders@jacksonmo.org

FOR CITY USE ONLY BELOW THIS LINE

Date application submitted and fee filed with City Staff:

Date presented to Board of Adjustment:

Date of Board of Adjustment public hearing:

 Date of Newspaper Publication of public hearing:

 Date notification of public hearing mailed to surrounding property owners:

 Date sign posted on tract:

 Date posted on city web page:

Date of Board of Adjustment decision:

Recommendation of Planning and Zoning Commission: APPROVAL DENIAL PARTIAL APPROVAL