



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 that prevents compliance with the setbacks, heights, size, or area regulations in the zoning code. Variance requests are heard by the Board of Adjustment, a five-person appointed Board. 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. For property owned by trusts or corporations, the owner name must be the name of the trust or corporation and the signature(s) those of the trustee or the person legally authorized to sign documents by the operating agreement of the corporation.
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 their request will be addressed by the Board. At that meeting, a public hearing on the request will also be held.
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 Manager will provide the application and all other submitted 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, or to ask questions. The board will take all input 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 7,500 square feet. 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.) should 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 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 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 this process, please contact:

Building & Planning Manager
101 Court St., Jackson, MO 63755
Phone: 573-243-2300, Fax: 573-243-3322
Email: permits@jacksonmo.org

CITY OF JACKSON

Citizen Guide to Public Hearing Procedures



The Mayor or Board Chairman will open the hearing and request a staff report. The Building & Planning Manager will read a report detailing the dates of application and all notifications and will reference any written citizen input received prior to the hearing.

The applicant will then be asked to present their case. The Mayor or Board 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. Those present who have questions will also have an opportunity to ask their questions. 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 digitally recorded.

Each citizen speaker addressing the Board must:

- a. Approach the podium and be sworn in.
- b. State their name and home address for proper entry into city records.
- c. Speak in a clear, concise, and understandable manner.
- d. Please limit comments to five minutes or less. 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 ADDRESS (Other description of location if not addressed):

CURRENT PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): _____

Mailing Address: _____

City, State ZIP: _____

PROPOSED PROPERTY OWNERS (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s): _____

Mailing Address: _____

City, State, ZIP _____

CONTACT PERSON HANDLING APPLICATION:

Contact Name: _____

Mailing Address: _____

City, State ZIP _____

Contact's Phone: _____

Email Address (if used): _____

CURRENT ZONING: (check all that apply)

- | | | | |
|------|-----------------------------------|-----|---------------------------|
| 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-4 | (Planned Commercial) |
| MH-1 | (Mobile Home Park) | | |
| O-1 | (Professional Office) | I-1 | (Light Industrial) |
| CO-1 | (Enhanced Commercial Overlay) | I-2 | (Heavy Industrial) |
| | | I-3 | (Planned Industrial Park) |

CURRENT USE OF PROPERTY: _____

PROPOSED USE OF PROPERTY: _____

LEGAL DESCRIPTION OF TRACT (attach a copy of the most current property deed):

REASON FOR REQUEST: State the reason(s) why you believe the requested variance is necessary and compliance with the zoning code creates an undue hardship that denies all beneficial use of the property. Undue hardship must be related to condition of the property, not a condition of the owner or to a financial consideration. Attach additional page(s) as needed.

DRAWINGS: Attach a scaled plat of the tract(s) showing the entire lot, the location and size of all buildings / structures on the lot. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

SURROUNDING PROPERTY OWNERS: A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated as part of this application by the City. The 185' distance is exclusive of rights-of-way. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

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: _____

Prior Variance Approved? YES ☐ NO ☐

Description of prior variance request: _____

SITE PLAN:

Attach a site plan of the property in question. The site plan does not need to be prepared by a surveyor, but must be adequate to clearly show the following information. This site plan must 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. For a height variance, also include the proposed height from the lowest adjacent grade and highest adjacent grade. Show the location of all unusual physical features of the property that pertain to the problem. Measurements for the distance, setback, height, or size to be varied must be accurate. Construction cannot exceed the varied distance, size, or height approved by the Board of Adjustment.

PHOTOS:

Include photos of the property if they help explain the problem and/or reason for the need for a variance.

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 ☐

OWNER SIGNATURES:

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*

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

Building & Planning Manager
City of Jackson
101 Court Street
Jackson, MO 63755
573-243-2300 ext. 2029 (ph)
573-243-3322 (fax)
permits@jacksonmo.org