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**BOARD OF ADJUSTMENT  
VARIANCE PROCEDURE**

When an applicant feels the strict application of the requirements of the zoning regulations would create an undue hardship, **he or she may request a variance** from the Board of Adjustment. The Board of Adjustment must base its decision, to as great a degree as possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Ordinance and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

1. The applicant shall **first** meet with the City Clerk and receive a complete explanation of the zoning requirement in question, the variance procedure, and a variance application form.
2. The applicant shall submit a completed application form and pay the appropriate fee. As a part of the application, a sketch map shall be submitted showing proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties. **An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.**
3. Upon receipt of a fully completed application, the City Clerk shall schedule a regular meeting of the Board of Adjustment and send copies of the variance application to the Board of Adjustment members. **Fifteen days** prior to the Board of Adjustment meeting, the City Clerk will place an official notice to the public to be published in a newspaper of general circulation in the City of Carl Junction explaining the variance request and the time and place of scheduled hearing; a copy of the notice shall be mailed by the City Clerk to each party of interest and to the Planning Commission; and the City Clerk will supervise the proper posting of the subject property.

At the scheduled meeting, the Board of Adjustment shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Adjustment shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

## *City of Carl Junction*

### **UNIQUENESS:**

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

### **ADJACENT PROPERTY:**

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

### **HARDSHIP:**

The strict application of the provisions of the zoning regulations which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be sufficient reason by itself to justify the variance.

### **PUBLIC INTEREST:**

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### **SPIRIT AND INTENT:**

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

### **MINIMUM VARIANCE:**

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Adjustment shall be kept. The Board of Adjustment may grant, grant conditionally, or deny the application for a variance. The Board of Adjustment's written determination, using the Variance Application-Reasons for Determination, shall be sent to all affected parties, including the Planning Commission.

*City of Carl Junction*

**VARIANCE APPLICATION—BOARD OF ADJUSTMENT**

City of Carl Junction, Missouri

**For Office Use Only**

Case No: \_\_\_\_\_

Filing Fee: \_\_\_\_\_

Date Advertised: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

**Return Form To:**

City Clerk  
Office of City Clerk  
PO Box 4417  
Carl Junction, MO 64834

(please *print* clearly)

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ADJACENT ZONING AND LAND USE:**

	Land Use	Zoning
_____ North	_____	_____
_____ South	_____	_____
_____ East	_____	_____
_____ West	_____	_____

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

Applicant's reason for submitting application: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# *City of Carl Junction*

Please indicate below the extent to which the following standards are met, in the applicant's opinion. Provide an explanation on a separate sheet for each standard which is found to be met.

**1. UNIQUENESS:**     **True**\_\_\_\_     **False**\_\_\_\_

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

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**2. ADJACENT PROPERTY:**     **TRUE**\_\_\_\_     **FALSE**\_\_\_\_

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

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**3. HARDSHIP:**     **TRUE**\_\_\_\_     **FALSE**\_\_\_\_

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of the hardship, it shall not be a sufficient reason by itself to justify the variance.

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*City of Carl Junction*

4. PUBLIC INTEREST: TRUE\_\_\_ FALSE\_\_\_

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or repair property values within the neighborhood.

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5. SPIRIT AND INTENT: TRUE\_\_\_ FALSE\_\_\_

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

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6. MINIMUM VARIANCE: TRUE\_\_\_ FALSE\_\_\_

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

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Applicant's Signature: \_\_\_\_\_

Received By: \_\_\_\_\_ Title: \_\_\_\_\_

Date and Time Variance Application Received at City Hall \_\_\_\_\_

(Date & Time Required)