



Nonuse Variance Application Requirements

Submittal Checklist

General Requirements	
<input type="checkbox"/>	General Applicant and Owner Acknowledgement form
<input type="checkbox"/>	A Project Statement identifying the following: <ol style="list-style-type: none"> 1. A clear description of the proposed development. If this is an amendment, describe the changes proposed from the currently approved plan; and 2. A Justification based on the review criteria addressing why the proposed project should be approved.
<input type="checkbox"/>	A Site Plan that has all items in the "Plan Contents" section

Plan Contents

Overall Page Layout	
Include the information in a legend on the site plan.	
<input type="checkbox"/>	North Arrow
<input type="checkbox"/>	Property Address
<input type="checkbox"/>	Name, address, and phone number of applicant/owner
<input type="checkbox"/>	Legal Description
<input type="checkbox"/>	Indication of standardized scale used both fractional and bar scale (i.e. 1" = 20')
<input type="checkbox"/>	Tax Schedule Number
<input type="checkbox"/>	Zone district
<input type="checkbox"/>	Lot size in square feet
<input type="checkbox"/>	Square footage of existing and proposed structures including house, garage, shed, etc.
<input type="checkbox"/>	Lot coverage calculation – Show a calculation of the existing and proposed improvements and their respective square footages as a percentage.
<input type="checkbox"/>	Front yard lot coverage – show the percentage of the front yard covered by driveway or carport structures.
<input type="checkbox"/>	Include a note that states "The nonuse variance request is to allow _____ where _____ is allowed per City Code _____."

Site Plan Contents	
<input type="checkbox"/>	Size and location of all existing easements
<input type="checkbox"/>	Setbacks of all existing and proposed structures from property lines
<input type="checkbox"/>	Existing and proposed structures and dimensions
<input type="checkbox"/>	Other improvements (i.e. driveways, parking areas, sidewalks, curb lines, fences, etc.)
<input type="checkbox"/>	Height of all existing and proposed structures. Provide a structure elevation/typical if request affects building height to any extent.
<input type="checkbox"/>	Label the square footage of all structures on the drawing of the structure
<input type="checkbox"/>	Property lines and dimensions- The City does not have provide property line information; the applicant is responsible to show accurate property lines as part of the application. If there is a question about the location of the property lines, the applicant should hire a surveyor to determine the location of the property lines. The dimensions and property lines shown on the site plan must match the exact location where the structure is built. Structures that are not built according to the provided and approved plan are subject to enforcement action.
<input type="checkbox"/>	A vicinity map showing the parcel outlined with the adjacent streets noted

"If Applicable" Requirements	
▪	Type, dimension and size of administrative relief for signage
▪	Elevation drawing of proposed sign for administrative relief for signage
▪	Number of existing and proposed off-street parking spaces and parking ratio used

Review Criteria

NONUSE VARIANCE REVIEW CRITERIA:

Applications for nonuse variances must meet all of the criteria listed in the Zoning Code before an application can be approved. As a guide to applying any of the criteria for nonuse variance applications, the applicant may consider any or all of the following circumstances in determining whether the applicable criteria have been met:

1. **Extraordinary or Exceptional Conditions:**
 - a. The physical conditions of the property shall not be conditions general to the neighborhood or surrounding properties.
 - b. The unique physical conditions of the property may be its size, shape, locations, topography, soils; or,
 - c. The unique physical conditions of the property may be the size or location of existing structures on the property if such structures are not self-imposed conditions; or
 - d. The unique physical conditions may be certain on-site or off-site environmental features which may positively or negatively affect the property in question, including but not limited to, adjacent land uses, traffic, noise, views and location of significant natural, architectural, or historic features.
2. **No Reasonable Use:**
 - a. The demonstrated extraordinary or exceptional physical conditions of the property must directly relate to the inability to reasonably use the property in conformance with the applicable zoning ordinance regulations.
 - b. The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district.
 - c. The purchase price of the property, the desire for greater economic return on investment or mere inconvenience do not constitute, by themselves, evidence of no reasonable use.
 - d. Self-imposed conditions such as prior voluntary rezoning, platting, or building in violation of City codes and ordinances do not constitute evidence of no reasonable use.
 - e. Knowledge, ore lack of knowledge, of zoning restrictions and physical site constraints at the time the property is purchased is immaterial to evidence of no reasonable use of the property.
3. **No Adverse Impact:**
 - a. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding properties.
 - b. The granting of a variance shall not be inconsistent with any plans adopted by the City.
 - c. The granting of a variance shall not weaken the general purpose of the Zoning Ordinance or its regulations.
 - d. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of property.