

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.

Code Section/Plan Number to be varied: Code/Plan Requirement:

Request:

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Request:

SUBMITTAL CHECKLIST: The following items will need to be included in any Nonuse Variance review submittal.

Applicant

Planner

- General Development Application Form**
- A **Project Statement** identifying the following: (*# TBD by Planner*)
 - 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.
- 1 copy of a **Black Line** of the proposed project, reduced to 11" x 17", or a **.pdf**
- A **legal description** of the proposed project
- A **vicinity map** showing the parcel outlined with the adjacent streets within the neighborhood noted on a separate 8 1/2" x 11" page.

PLAN CONTENT REQUIREMENTS: The content of the development plan must include the following information.

Applicant	Planner
<input type="checkbox"/> Indication of the scale (i.e. 1" = 20') and a bar scale	<input type="checkbox"/>
<input type="checkbox"/> North arrow	<input type="checkbox"/>
<input type="checkbox"/> Property lines and dimensions	<input type="checkbox"/>
<input type="checkbox"/> Size and location of all existing easements	<input type="checkbox"/>
<input type="checkbox"/> Existing and proposed structures and dimensions	<input type="checkbox"/>
<input type="checkbox"/> Setbacks of all existing and proposed structures from property lines	<input type="checkbox"/>
<input type="checkbox"/> Other improvements (i.e. driveways, parking areas, sidewalks, curblines, fences, etc.)	<input type="checkbox"/>
<input type="checkbox"/> Height of all existing and proposed structures	<input type="checkbox"/>
<input type="checkbox"/> Elevation drawing of proposed structure for any height variance request	<input type="checkbox"/>
<input type="checkbox"/> Type, dimension and size of signage (if applicable)	<input type="checkbox"/>
<input type="checkbox"/> Elevation drawing of proposed sign for any sign variance	<input type="checkbox"/>
<input type="checkbox"/> Number of existing and proposed off-street parking spaces and parking ratio used (if applicable)	<input type="checkbox"/>
<input type="checkbox"/> Legend in the lower right-hand corner which must contain the following information:	<input type="checkbox"/>
<input type="checkbox"/> Name, address and phone number of both applicant and owner	<input type="checkbox"/>
<input type="checkbox"/> Property address	<input type="checkbox"/>
<input type="checkbox"/> Lot size in square feet	<input type="checkbox"/>
<input type="checkbox"/> Square footage of each structure, both existing and proposed	<input type="checkbox"/>
<input type="checkbox"/> Lot coverage of each structure, both existing and proposed and a total amount of lot coverage	<input type="checkbox"/>