



Variance Application Requirements

All of the following information must be submitted. Once the application has been submitted with the appropriate fees, staff will review for completeness. Applications will be scheduled for public meetings only if all required items are submitted. The applicant will be notified within 15 business days as to whether or not the application is complete. Once the application is deemed complete, the 60-day statutory review period will begin. The City may extend the review period an additional 60 days if necessary to complete the review process.

- _____ 1) A completed and signed Land Use Application Form.
- _____ 2) A non-refundable fee and an escrow deposit (commercial only).
- _____ 3) A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this section.
 - a) That there are practical difficulties in complying with the Zoning Ordinance.
 - b) That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.
 - c) That the granting of the variation will not alter the essential character of the locality.
 - d) The proposed variance would be in harmony with the general purposes and intent of the Ordinance.
 - e) The variance is consistent with the Comprehensive Plan.
- _____ 4) One (1) full size set, three (3) reduced (11x17) sets, and an electronic (PDF) format at the time of submittal.
- _____ 5) A certified survey of property by registered surveyor, including dimensions of lot, location and size of all buildings, location of septic system, setbacks from all property lines, setbacks from septic system and well, and location of all easements. Also, topographic contours if topography or extreme grades are the basis on which the request is being made.
- _____ 6) Architectural Plans: A Site Plan showing location and setbacks of proposed buildings and adjacent uses.
- _____ 7) The City shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning any information declared necessary to establish performance conditions.

The Variance request will be scheduled for a public hearing before the Planning and Zoning Commission. All property owners within a minimum of 500 feet of your lot line will be notified by mail, by the City, of the public hearing date and time. The Planning and Zoning Commission's recommendation will then be considered by the City Council within thirty (30) days. If no recommendation is made within that time, the city council may act without the recommendation. This action shall take place within sixty (60) days of the initial application date, unless the applicant files a written request for an extension of time. A variance shall become void one year after it was granted unless made use of. If denied, no application for a variance wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Commission.

This handout is intended to provide a *summary* of the submittal requirements. It is the responsibility of the applicant to know the applicable land use regulations. Please see the Baxter City Code for a complete, detailed listing of requirements. Variance procedures can be found in Chapter 8 (Variances) of the Zoning Ordinance. If you have any questions about these requirements, please contact City Hall to speak with the Zoning Administrator.