



**BOARD OF ADJUSTMENTS VARIANCE APPLICATION**

**\*REQUIRED FIELDS\* PROPERTY INFORMATION**

\*PROPERTY Physical Address:

\*Complete **LEGAL** Description:

\*Present or Current Zoning District:

\*Variance Being Requested with; **Complete Description**:

**PROPERTY (OWNER) INFORMATION**

\*Owner (FULL) Name:

\*Owner Phone#:

\*Owner (COMPLETE) Address:

\*City:

State:

\*Zip Code:

**APPLICANT/AGENT INFORMATION**

\*Applicant (FULL) Name:

\*Applicant Phone#:

\*Applicant (COMPLETE) Address:

\*City:

State:

\*Zip Code:

\*\*If applicant is different than property owner a *Notarized Letter of Authorization* must be attached to the application\*

**PROPERTY OWNER/AGENT AUTHORIZATION**

**Property Owner Consent/Agent Authorization:** By my signature, I hereby affirm that I am the **property owner** of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I **certify** that the preceding information is **complete and accurate**, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates **my awareness** of the fee required at the time of the application submittal and any additional fees as noted in the City's Fee Schedule. This (FEE) is **non-refundable** even in the event of application withdrawal. I have the power to authorize and hereby grant permission for **City of Dickinson Officials** to enter the property on official business as part of the application process

\***SIGNATURE** of Contractor/Authorized Agent

\***PRINTED NAME**

\***APPLICATION DATE**

**(FOR CITY OF DICKINSON OFFICE USE ONLY)**

*BOA Variance* **Permit Number#**: \_\_\_\_\_

Fees (**now**) **DUE\$**: \_\_\_\_\_

Date **Submitted**: \_\_\_\_\_

Payment **RCVD**: \_\_\_\_\_

**Reviewer**: \_\_\_\_\_ **Date**: \_\_\_\_\_  **Approved**  **DENIED**

**Board Of Adjustments Meeting Date**: \_\_\_\_\_  **Approved**  **DENIED**



BOARD OF ADJUSTMENTS PERMIT **REQUIREMENTS**

**Attach These Items With Completed Application:**

- MAP (from: **Central Appraisal District**) with **200** feet radius
- LIST of Owners within **200'** radius (from: **Central Appraisal District**)
- EXISTING Site Plan
- SITE PLAN with **Requested Variance** Shown
- \$650.00 FEE**

**Submit Immediately AFTER Notices Have Been postmarked:**

- Sign & Address Affidavit

**Bring these items to the Board of Adjustment Meeting:**

- Return Receipts of mailed notice, including envelopes that are returned

**What is a Variance?**

A **Variance** is a deviation from the property development standards for the district where development is proposed.

**Who may request a Variance?**

A **Variance** may be requested by the Owner of the Property or **another** person having written, notarized authorization to act as the agent of the Property Owner.

**How long does a Variance Request take?**

Many factors influence the amount of time required to complete a **Variance Request**. A good estimate is **(5-6 weeks)** from the **pre-application** conference. The Board of Adjustments has a Regular Meeting time of the First Monday of the month, however the Board of Adjustments **does not** meet on a **regular basis**, because of this fact please allow for time and consideration in an effort to ensure staff can have a quorum for the meetings.

**How do I submit a request?**

The **City of Dickinson** will supply the application form and staff will assist you in completing it. When several owners are involved, **one person** should be authorized (**by notarized letter**) to act as the signatory and applicant.

**What is the cost of a Variance request?**

A **non-refundable** (FEE) of **\$650.00** must accompany a completed Board of Adjustment Variance application. In some instances, staff, the Planning & Zoning Commission or **City Council** may require technical studies (engineering, noise, traffic, impact, etc.). The **cost** for these studies is borne by the **applicant**. The breakdown of the **\$650.00** is as follows:

- **\$100.00** Application Fee
- **\$525.00** Board of Adjustments Variance Fee
- **\$25.00** BOA/Variance Sign, to be placed every **200'** of public street frontage



## BOARD OF ADJUSTMENTS VARIANCE **EXPLANATION**

### What is the purpose of the public hearings?

Zoning Regulations are established to protect the public health, safety and general welfare of all citizens. The public hearing process gives all residents to express how they feel the proposed **Variance** could affect them positively or negatively.

### What key information should be presented?

- Present Zoning or Use of Property
- **Special Circumstances** that are peculiar to the land or structure
- Proof these special circumstances are not self-imposed or the result of the applicant's actions
- **Description of compatibility** of **proposed Variance** with the surrounding area
- Evidence Variance will not adversely affect the health, safety or welfare of the public
- Other facts that may affect a decision

### Who should present the proposal at the public hearings?

The Owner should be present at the public hearings. The **Owner**, applicant or an agent may make the presentation to the Board of Adjustments.

### Conditions for considering variances:

To **approve** an application for a **Variance**, the Board of Adjustments shall make an affirmative finding that each of the following **CRITERIA IS MET**:

- Special Circumstances exist that are peculiar to the land or structure.
- These **Special Circumstances** are not self-imposed or the result of the actions of the applicant.
- **Literal interpretation and enforcement** of the terms and provisions of this chapter would cause an unnecessary and undue hardship.
- Granting the Variance is a minimum action that will make use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice.
- Such **Variance will not** alter the essential character of the district in which it is located or the property for which the **Variance** is sought.
- Such **Variance will not** authorize a use other than those uses specifically authorized for the district in which the property for which the **Variance** is sought is located.
- **The Variance will not** adversely affect the health, safety or welfare of the public.