

Board of Adjustment

City of Independence, Missouri

Subject Address _____

Legal Description (Provide electronic copy if description is metes and bounds): _____

Property Zoning: _____ Existing Use: _____

Is a change of use proposed? **YES / NO** If **YES**, list new use: _____

Request (Cite the specific section and subsection of the Unified Development Ordinance from which variance is sought): _____

APPLICANT (DEVELOPER):

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell _____

E-Mail _____ Fax _____

PROPERTY OWNER:

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell _____

E-Mail _____ Fax _____

I hereby certify that all the above statements and the statement contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Applicant's Signature

Owner

Fee: \$150.00

Date Filed _____

SUBMITTAL REQUIREMENTS

In order for an application to be considered complete, the following materials must be submitted at the time of application:

1. A complete application form, including the Variance Criteria form.
2. Application fee: \$150.00
3. Ten copies of drawings to clearly indicate the requested variance in relation to the property and/or structures. These could include a plot plan, plat, site plan, a survey, and/or building elevation(s). Pictures can be submitted with the application and drawings but cannot replace the drawings. The drawings must be accurate and of such detail that they can be clearly read. These drawings must be able to be clearly read as well as being reproduced.
4. Exact legal description of the property for which the variance is sought.

MAILING REQUIREMENTS

It is the applicant's responsibility to mail out notices to property owners surrounding applicant's property prior to 15 days of the Board of Adjustment's hearing. Please review this application form for further details.

INSTRUCTIONS

PROHIBITED ZONING VARIANCES

The following variances are not permitted:

- permit a principal use in a zoning district that is not otherwise allowed in that district;
- waive, modify or otherwise vary any of the subdivision design or improvement standards of Article 6, Subdivision Design and Improvements;
- waive, modify or amend any definition or use classification;
- waive, modify or otherwise vary any of the review and approval procedures; or
- waive, vary, modify or otherwise override a condition of approval or requirement imposed by another decision-making body.

MAIL NOTICES – (APPLICANT’S RESPONSIBILITY)

The applicant will be responsible for mailing notices at least 15 days prior to the hearing, notifying the property owners of the opportunity to be heard. These notices must be sent to the last known record owners of all property within 185 feet, as shown by the Jackson County tax records. A sample notice is included for your use. The notice must include:

- time and place of hearing;
- general description of the proposal;
- location map of the property;
- street address, or general street location; and
- statement explaining that the public will have an opportunity to be heard.

FILE AFFIDAVIT – (APPLICANT’S RESPONSIBILITY)

After the notices have been mailed, an affidavit must be filed with the Community Development Department prior to the public hearing certifying the notices have been sent. A sample affidavit is included for your use. **A list of property owners within the notification area as well as a copy of the notice sent must be submitted with the affidavit.**

BOARD OF ADJUSTMENT MEETING

The Board meets the third Thursday of every month at 6:30 p.m. in the Council Chambers, 1st Floor, City Hall, unless a different meeting date/time/place is called by the chairman. The agenda and staff reports will be available the Friday preceding the Board of Adjustment meeting.

The chairperson will open the public hearing for each case to hear presentations by the planning staff, the owner or authorized agent, and the audience, respectively. The applicant or authorized agent must attend the meeting to answer any questions and/or make a brief presentation, if necessary. After everyone has had the opportunity to speak, the Board of Adjustment will make a decision on the requested variance.

EXPIRATION

A variance is only valid for a period of six (6) months from the date of approval unless a building permit has been issued or the applicant has been granted an extension by the Board of Adjustment. If you have any questions, contact the Community Development Department at 816-325-7425.

NOTE: Decisions of the Board may be appealed to the district court within thirty (30) days of the action.

VARIANCE CRITERIA
(Attach additional sheets if necessary)

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.

Yes No

Explain: _____

2. The requested variance will not adversely affect the rights of adjacent property owners or residents.

Yes No

Explain: _____

3. Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.

Yes No

Explain: _____

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Yes No

Explain: _____

5. The alleged hardship has not been created by any person presently having an interest in the property.

Yes No

Explain: _____

6. The variance, if granted, will not alter the essential character of the neighborhood.

Yes No

Explain: _____

PROPERTY OWNER NOTIFICATION LETTER
City of Independence, Missouri

Date: _____

Case No. _____

Dear Property Owner:

This is to notify you that an application has been submitted for consideration of a variance. The Board of Adjustment will consider the case on the property, date and time identified below.

Proposed variance description: _____

Applicant: _____

Location of Property: _____

Location Map must also be attached

Meeting of: BOARD OF ADJUSTMENT:

Date and Time of Hearing: _____, 20____, at ____ p.m.

Location of public hearing:

City Council Chambers, City Hall, 111 E Maple, Independence, Missouri

All interested persons are invited to attend and will have an opportunity to be heard at the public hearing.

Applicant (or Owner or Agent)

For more information, contact the Community Development Department at 816-325-7425.

PROPERTY OWNER NOTIFICATION AFFIDAVIT
City of Independence, Missouri

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. _____

I, _____ of lawful age being first duly sworn upon oath,
state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Board of Adjustment, mail notices to all persons owning property within 185 feet of the subject property. The list of property owners to whom notice has been mailed is attached.

These notices were mailed on the _____ day of _____ 20_____.

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires: