

**CITY OF LAKE OZARK
PLANNING AND ZONING DEPARTMENT
VARIANCE PROCESS**

When an applicant feels that the strict application of the requirements of the Zoning Regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Adjustment. The Board of Zoning Adjustment must base its decision, to the greatest degree possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Regulations and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

The applicant shall meet with the Zoning Administrator and receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.

The applicant shall submit a completed application form and pay the fee of three hundred dollars (\$300.00), plus ten dollars (\$10.00) for each adjacent property owner requiring notification by certified mail. As a part of the application, a sketch map shall be submitted showing proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

The Zoning Administrator shall schedule a regular meeting of the Board of Zoning Adjustment and send copies of the application to Board of Zoning Adjustment members upon receipt of a fully completed application. Fifteen days prior to the Board of Zoning Adjustment meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the variance request and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning and Zoning Commission.

At the scheduled meeting, the Board of Zoning Adjustment shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Adjustment shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

1. *UNIQUENESS*

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. *ADJACENT PROPERTY*

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP*

The strict application of the provisions of the Zoning Regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. *PUBLIC INTEREST*

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. *SPIRIT AND INTENT*

Granting the requested variance will not be opposed to the general spirit and intent of the Zoning Regulations.

6. *MINIMUM VARIANCE*

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Zoning Adjustment, shall be kept. The Board of Zoning Adjustment may either grant, grant conditionally, or deny the application for a variance. The Board of Zoning Adjustment's written determination shall be sent to all affected parties, including the Planning and Zoning Commission.

**CITY OF LAKE OZARK, MISSOURI
ZONING TEXT AMENDMENT APPLICATION**

Return Application to:

City Hall- Zoning Administrator
3162 Bagnell Dam Blvd.
Lake Ozark, MO 65049

Case Number: _____

Date Filed: _____

Date of Meeting: _____

Deposit Fee: _____

Date Advertised: _____

Date Notices Sent: _____

1. Applicant's Name: _____

Applicant's Address: _____

City/State/Zip _____

Applicant's Phone Number: _____

2. Location of the Property: _____

3. Legal Description: _____

4. Present Use of Property: _____

5. Proposed Use of Property _____

6. Variance from Section _____

7. Please indicate below which of the following standards for a variance are met in this case:

Uniqueness	Yes ____	No ____
Adjacent Property	Yes ____	No ____
Hardship	Yes ____	No ____
Public Interest	Yes ____	No ____
Spirit and Intent	Yes ____	No ____
Minimum Variance	Yes ____	No ____

8. Please provide an explanation for each standard that is believed to be met:

Applicant's Signature:

Date:

