



City of Clayton

10 North Bemiston Avenue

Clayton, Missouri 63105

(314) 290-8453 FAX: (314) 863-0296

APPEAL TO THE BOARD OF ADJUSTMENT – USE VARIANCE

(please type or print)

- **ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.**
- **APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.**
- **14 SETS OF SIGNED & SEALED DRAWINGS, \$335 APPLICATION FEE (INCLUDES \$35 NON-REFUNDABLE PROCESSING FEE) & \$50 ADVERTISING FEE MUST ACCOMPANY THIS APPLICATION.**

PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of this application.

Name and Title of Applicant: _____

Address: _____

Phone Number/E-Mail: _____

Interest in Property: _____

Name of Applicant's Agent - if different than above: _____

Address: _____

Phone Number/E-Mail: _____

Name of Owner(s) - if different than above: _____

Address: _____

Phone Number/E-Mail: _____

Name of Architect, Landscape Architect, Planner or Engineer:

Name/Position: _____

Address: _____

Phone Number/E-Mail: _____

PART B: SITE DESCRIPTION

Legal Address of Property: _____ Current Zoning: _____

Lot Number: _____ Block Number: _____ Locator Number: _____

PART C: APPEAL TO THE BOARD OF ADJUSTMENT

TO THE HONORABLE BOARD OF ADJUSTMENT

The undersigned hereby appeals from the ruling of the Building Official or his/her designee, as to the erection of certain improvements on the property located at:

_____ and described as:

Lot _____, Block _____, Subdivision _____.

I requested a building permit or zoning review for the following improvements:

I received a notice from a city official determining that my proposal does not comply with the Zoning Ordinance.

The specific violations are as follows:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

I now appeal that determination and request a variance for the above described improvements. In support of my request, I state the following:

- 1) Size of the Lot: _____.
- 2) Shape of the Lot: _____.
- 3) Topography: _____.
- 4) Unique Physical Characteristics of the Lot (creek, steep slope, etc): _____

_____.

- 5) Current Use of the Property: _____

6) Description of the necessity of the proposed improvements: _____

Use variances are a granting of relief from the requirements of this Chapter to permit a use in a manner otherwise prohibited by this Chapter where specific enforcement would result in an extreme hardship because of the shape of the lot, topography or other natural situation not the fault of the applicant. The Board of Adjustment is authorized to grant use variances upon application or appeal in accordance with the State of Missouri Enabling Act, City of Clayton Code of Ordinances the City's Zoning Ordinance and the procedures set forth herein only upon findings that:

In passing upon appeals, the Board of Adjustment is authorized to grant a use variance only upon the following findings. Please indicate whether your application meets the criteria for granting a variance.

- a) The applicant will be deprived of all beneficial use of the property under any of the permitted uses in the zoning district in which the property is located, all beneficial use being lost only where the property is not suitable for any use permitted in the Zoning Ordinance for that zoning district

Yes _____ No _____

Please explain:

- b) The applicant has sufficiently demonstrated unnecessary hardship by expert testimony and/or documentation and not mere conclusionary or lay opinion that the property in question cannot yield a reasonable return if used only for a purpose or purposes permitted in the zoning district in which that property is located

Yes ___ No ___

Please explain:

- c) The plight of the owner is due to exceptional or unique circumstances and not due to general conditions in the neighborhood

Yes _____ No _____

Please explain:

- d) The use to be authorized by the variance would not alter the essential character of the neighborhood

Yes _____ No _____

Please explain:

e) The proposed use to be authorized by the use variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area and would not in any other respect impair the public health, safety, comfort, morals and welfare of the City.

Yes _____ No _____

Please Explain:

PART D: ALTERNATIVES

Other alternatives considered were as follows: (different improvements, different location on the lot, etc.) For each alternative the reasons why such alternative was not selected are as follows:

a)	
b)	
c)	
d)	

PART E: ADDITIONAL CRITERIA

1) Description of the differences between the subject lot and the other lots in the neighborhood: _____

2) Description of the effect or impact on neighboring properties: _____
_____.

3) Statement of any other hardship or information necessary for this appeal:

_____.

FULL LEGAL NAME IS REQUIRED

Applicant Name (Printed): _____

Signature of Applicant (Required): _____ *Date:* _____

Relation to Property (i.e. architect, etc.): _____

Applicant Name (Printed): _____

Signature of Property Owner (Required): _____ *Date:* _____

Title: _____

PART E: CHECK LIST

- _____ Fourteen (14) copies of a current boundary survey (signed and sealed) depicting (with dimensions) the lot size and all currently existing improvements
- A boundary survey of the subject lot should be made and the property corners should be located and verified or reset. The improvements on the property should be located and any encroachments onto or from the subject property should be determined. The survey shall meet “Minimum Standards for Property Boundary Surveys.”
- _____ Fourteen (14) sets of a Site Plan based on the accurate and current boundary survey accurately depicting the lot size, existing improvements, and the proposed improvements.
- _____ Location map showing north arrow.
- _____ Scale for Site Plan shall be minimum of 1"=20'-0" (plan sheets 15 X 20 maximum)
- _____ Location and identification of all easements (existing and proposed).
- _____ The Site Plan should accurately depict all setback lines.
- _____ The Site Plan should accurately depict exact variance request with lines and dimensions as measured from the required setback lines and property lines.
- _____ Sketch elevation(s) depicting each façade, and the proposed improvements.
- _____ The seal, signed and dated, of the licensed person who prepared the drawing or under whose immediate personal supervision the drawing has been prepared.
- _____ Plans are to be folded to approximate 8 ½ x 11 or 8 ½ x 14 in size (print side out).
- _____ Other materials deemed appropriate by staff and/or the Board of Adjustment.