



City of Warrenton

200 West Booneslick

Warrenton, MO 63383

Phone: 636-456-3535 Fax: 636-456-1336

www.warrenton-mo.org

**Application for Variance**

Chapter 405.330

Date: \_\_\_\_\_

Project # VAR \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Variance Information:**

Type of Variance: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Property Address: \_\_\_\_\_

Request Details: \_\_\_\_\_  
(Attach additional sheets if necessary)

**Code Sections from which variance is requested:**

Section: \_\_\_\_\_ Title: \_\_\_\_\_

**Additional Information for a Sign Variance:**

Number of Signs: \_\_\_\_\_ Type of Sign \_\_\_\_\_

Location of Sign(s): \_\_\_\_\_

Dimension of Sign(s): Height: \_\_\_\_\_ Width: \_\_\_\_\_ No. of Sides: \_\_\_\_\_

Material: \_\_\_\_\_ Installer: \_\_\_\_\_

Extreme Height: \_\_\_\_\_ (Including all support structure)

Particulars of Variance Requested: \_\_\_\_\_

This application is required by City Zoning Regulation Chapter 405.330 VARIANCES and is not considered accepted until all required documentation is submitted and required fees paid. The "Variance Process Check List" is provided to serve as a guide.

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

CITY STAFF USE ONLY

Application Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

**Variance Checklist**

(Section 405.330)

**Project Name:** \_\_\_\_\_ **Project Number:** \_\_\_\_\_

**Applicant's Name:** \_\_\_\_\_

Filing fees: \$125      In-House Plan Review fee: \$100      Publication Deposit: \$300  
(or \$500 Engineering Deposit)

**The following must be submitted in order for your application to be accepted:**

<b>Needed</b>	<b>Received</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Legal Description of proposed site
<input type="checkbox"/>	<input type="checkbox"/>	Location of Site (address)
<input type="checkbox"/>	<input type="checkbox"/>	Drawing of Property
<input type="checkbox"/>	<input type="checkbox"/>	Current Zoning of Property
<input type="checkbox"/>	<input type="checkbox"/>	List of Names and addresses of adjacent property owners within 300'.
<input type="checkbox"/>	<input type="checkbox"/>	A written application addressing the following 5 conditions to receive a variance. (See Section 405.330 1 A_E, below)
<input type="checkbox"/>	<input type="checkbox"/>	Other:

In order for a variance to meet the code requirement for approval, all five of the following conditions must exist. Pursuant to:

***SECTION 405.330: VARIANCES***

- 1. A written application for a variance is submitted demonstrating:*
  - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district;*
  - b. Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.*
  - c. The special conditions and circumstances do not result from the actions of the applicant.*
  - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures, or buildings in the same district.*
  - e. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

## VARIANCE APPROVAL PROCESS – 405.330

*This information is to be used as a guide and is not intended to amend or supersede any corresponding City, State, or Federal Ordinances/Laws. Additional information may be required by the City to properly process the applicant's request.*

The Board of Adjustment shall have the power, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Code, to vary or modify the application of any of the regulations or provisions relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the Code shall be observed, public safety and welfare secured and substantial justice done.

Applications received by the first day of the month will be heard by the Board of Adjustments on the first Thursday of the following month in order to meet the public hearing requirements. *The City reserves the right to table any application due to need for additional research time. Failure to provide all documentation could cause application to be deemed by City staff as "not received".*

**The following steps are required in the process:**

**1. Applicant submission of completed application and required documentation and fees**

**Filing fee \$125**

**In-House Plan Review fee \$100 (If plans are not reviewed in-house, a \$500 Engineering Deposit will be required)**

**Publication Deposit \$300 (balance refunded or collected when process completed)**

Three full size (11"X 17" minimum size) drawings required with application.

Names and addresses of legal owners of adjacent properties within 300 feet of proposed site required with application—"public hearing" notifications completed by City.

**2. Application processing**

Application reviewed by City staff with findings noted.

Applicant will be notified of any findings indicated by City staff review.

Applicant must provide 3 copies of drawings (11"X 17" minimum size) along with any additional documentation required.

**3. Board of Adjustments Meeting-1<sup>st</sup> Thursday of month**

7:00 p.m. at City Hall chambers

It is strongly recommended that applicant or representative is present at meeting.

**4. Board of Adjustment results**

Applicant will receive formal written notice of outcome.

**SECTION 405.335: BOARD OF ADJUSTMENT -- DECISIONS SUBJECT TO REVIEW** Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the municipality, may present to the circuit court of the County or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time

**Section 405.335 Continued:**

within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under Sections 89.080 to 89.110, RSMo., shall have preference over all other civil actions and proceedings.