

EXHIBIT AB-3

APPLICATION FOR VARIANCE

BOARD OF ZONING APPEALS

Case No. \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Date Advertised \_\_\_\_\_  
Hearing Date \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_  
Address & Phone No. \_\_\_\_\_  
Name of Authorized Agent \_\_\_\_\_  
Mailing Address & Phone No. of Agent \_\_\_\_\_  
Relationship of applicant to property is that of \_\_\_\_\_  
(owner, tenant, lessee, other)

2. The variance requested is \_\_\_\_\_  
\_\_\_\_\_ for property located \_\_\_\_\_  
and legally described as \_\_\_\_\_  
\_\_\_\_\_ in \_\_\_\_\_ and which is presently zoned \_\_\_\_\_  
(Give diagram of property on attached sheet).

3. The applicant herein, or his authorized agent, acknowledges:  
A. That he has received an instruction sheet concerning the filing and hearing of this matter.  
B. That he has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.  
C. That he has been advised of his right to appeal to the decision of the Board of the District Court.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Authorized Agent

4. Action by Board of Appeals. The Board of Appeals found the following condition:  
A. The condition (is, is not) unique to the property and (is, is not) ordinarily found in the same district and (was, was not) created by the Owner.  
B. Granting of the variance (would, would not) affect rights of adjacent property owners.  
C. The strict application of the zoning regulations (will, will not) constitute an unnecessary hardship upon the Owner.  
D. The variance (will, will not) adversely affect the health, safety, morals, order, convenience, prosperity or general welfare.  
E. The variance (will, will not) be opposed to the general spirit and intent of the zoning regulations.

5. Action by the Board of Appeals: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

6. Restrictions Imposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Certified to the Zoning Administrator this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

**PROCEDURES FOR  
AGGRIEVENCES, VARIANCES, EXCEPTIONS TO  
BOARD OF ZONING APPEALS**

**PURPOSE:** An appellant may request an appearance before the Zoning Appeals Board to appeal on Aggrievence, to request a Variance or to grant an Exception to the Zoning Regulations. A detailed explanation of each is contained in the zoning regulations.

**TIME:** An appeal to the Zoning Appeals Board will normally take from 30- 60 days. The amount of time will depend upon the time when the application is submitted to the zoning administrator, the publication of Notice of Public Hearing and the date the Appeals Board meets.

**PROCEDURE:** To file a request for a hearing with the Appeals Board, the following steps should be observed:

**Step 1.** The applicant shall first meet with the Zoning Administrator and obtain the proper application form along with an explanation on any special requirements which will need to be met.

The application form shall be completely filled out and returned to the office of the Zoning Administrator with the appropriate filing fee, ownership list and any plans or drawings required to process the application.

All applications shall be accompanied by a current abstractor's certificate listing the names, and addresses of the owners of all property located within 1 block of the boundaries of the property to be affected.

**Step 2.** Upon proper filing of the application and the payment of the filing fee, the zoning Administrator shall prepare a Notice of Public Hearing establishing the time, place and date and nature of said hearing and submit the Notice of Public Hearing (Exhibit AB-1) to the official newspaper for publication. Notice shall also be mailed to the applicant, to each party in interest, each person on the ownership list and each member of the Planning Commission.

**Step 3.** The Board shall hold the public hearing and receive comments from proponents and opponents on the proposed appeals.

**Step 4.** The Board shall study and review the proposed appeal and make their determination.

The Board shall instruct the Zoning Administrator to modify, approve, or reverse an order or determination (Exhibit AB-2), to allow a variance (Exhibit AB-3) or issue a permit for an exception (Exhibit AB-4). The Board may attach any conditions it determines necessary for the approval.

**Step 5.** The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Every decision of determination by the Board shall be filed in the office of the Clerk not more than ten (10) working days following the date of hearing and shall be open to public inspection during business hours.

The Zoning Administrator shall notify in writing the appellant of the Board's decision.

**Step 6.** Any person or government agency dissatisfied with the determination of the Board may bring action in District Court.