



City of  
**SUMMERSET**  
A GREAT PLACE TO CALL HOME

## VARIANCE APPLICATION

1. APPLICANT: \_\_\_\_\_ DAYTIME PHONE: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
AUTHORIZED AGENT: \_\_\_\_\_ DAYTIME PHONE: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
OWNER: \_\_\_\_\_ DAYTIME PHONE: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_

2. VARIANCE(S) REQUESTED: \_\_\_\_\_  
\_\_\_\_\_

EXISTING LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPECIFIC STANDARD BEING APPEALED AND REMEDY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHYSICAL HARDSHIP: \_\_\_\_\_  
\_\_\_\_\_

PROPOSED LAND USE: \_\_\_\_\_

SUBDIVISION REGULATION: \_\_\_\_\_  
\_\_\_\_\_

SITE ZONING: \_\_\_\_\_

SURROUNDING ZONING: NORTH \_\_\_\_\_ SOUTH \_\_\_\_\_ EAST \_\_\_\_\_ WEST \_\_\_\_\_

PHYSICAL CHARACTERISTICS: \_\_\_\_\_ UTILITIES: \_\_\_\_\_

3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she has read and received a copy of the Variance Procedures and this application form concerning the filing and hearing of this matter; that he / she authorizes City of Summerset staff and designees to enter onto and inspect the above described property; and, that he / she has been advised of the fee requirements and they have been paid.

\_\_\_\_\_  
APPLICANT / AGENT SIGNATURE DATE

\_\_\_\_\_  
OWNER SIGNATURE DATE

4. DATE / TIME OF:  
PLANNING COMMISSION HEARING: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
CITY COMMISSION MEETING: \_\_\_\_\_ LOCATION: \_\_\_\_\_

## The Fee for a Variance is \$300.00

1. Discuss the proposed variance with City Planning staff member(s) upon submission.
2. Fill out the Variance Application Form provided by the City of Summerset. The application must state the requested variance and the physical hardship which precludes the applicant from meeting the requirements of the zoning ordinance. The staff member will assign the date of the Planning Commission and City Commissioners meetings for the Variance request.
3. Staff reviews the request and prepares a report. A copy of the report and agenda will be provided to Planning and Zoning for hearing at which your request will be considered. It is recommended that the petitioner or a representative attend the Planning Commission meeting to answer any questions. Planning and Zoning makes their recommendation to the City of Summerset Commissioners. The Board of Commissioner's action is final, although their decisions may be appealed through the Circuit Court.

### Planning Office Use Only

Planning and Zoning Meeting Date: \_\_\_\_\_

Planning Chair Signature: \_\_\_\_\_

Commission Meeting Date: \_\_\_\_\_

Mayors Signature: \_\_\_\_\_

Date Paid \_\_\_\_\_

Payment Type:  Cash  Check  Credit Card



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## Variance Procedures

1. The petitioner shall file an application for a variance, in writing, on a form furnished by the city. Every application shall contain the following information:
  1. Legal description of the land on which such variance is requested, together with local street address.
  2. Name and address of each owner of the property.
  3. Name, address, phone number and signature of the applicant.
  4. Zoning district classification under which the property is regulated at the time of such application.
  5. The specific standard, regulation, or a decision which is being appealed.
  6. The specific remedy that is being requested.
  7. Any drawings, plans, and other documentation requested by the board.
2. Upon the filing of any application for a variance with the planning department, the applicant shall pay to the city the appropriate fee \$300 as designated in Section 2.42.110.
3. Notification of surrounding property owners, tenants and interested parties shall be accomplished by posting a sign on the property, by mailing notices of public hearing to neighboring property owners and legal notice in the general circulation paper.
4. Upon the filing of an application for a variance, the city shall set a date for public hearing on the request. Said date for the public hearing shall be a day when the planning and zoning is regularly scheduled to meet as determined by the rules, policies and regulations as adopted or which may hereafter be adopted by planning and zoning for holding public hearings on such requests. Planning and zoning shall consider and make a recommendation to the City Commission on applications for variances within 30 days of the public hearing.
5. Before the City Commission shall have the authority to grant a variance, the person claiming the variance has the burden of showing:
  - a. That the granting of the variance will not be contrary to the public interest;
  - b. That the literal enforcement of this title will result in unnecessary hardship;
  - c. That by granting the variance contrary to the provisions of this title the spirit of this title will be observed;
  - d. That by granting the permit, substantial justice will be done.
6. Decisions by the City Commission. Every decision by the Commission shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the variation. A concurring vote of three-fourths of the commission members shall be necessary to reverse any order, requirement, decision or determination of any such administrative official(s) or to grant any variance.