Variance Procedures

Applicability. Variances are a process to provide relief from a strict interpretation of the standards of this code, which when applied to a particular property and in a specific context would create an unnecessary hardship on all reasonable use of the property, except that a variance may not be granted to allow a use not permitted by the district regulations. Variances may be initiated by the property owner.

Review Criteria. A variance shall be reviewed and approved only on the finding that all of the following conditions are met:

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
3. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute unnecessary hardship upon the property, prohibiting any reasonable use of the property in a manner similar to other property in the same district;
4. The variance desired will not adversely affect the public health, safety, quality of life, order, convenience, prosperity or general welfare;
5. Granting the variance would not be opposed to the general spirit and intent of this Code, and;
6. The variance is the minimum variance that will make possible the reasonable use of the land or structure.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to variance applications.

1. Findings of fact identifying and evaluating all factors relevant to the application shall be made part of the public record.
2. The concurring vote of four members of the Board of Adjustment shall be necessary to grant a variance.
3. In granting a variance, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
4. The Board shall issue all decisions in writing, including the grounds for its decision, within 15 days after the decision has been made at a public hearing

Effect of Decision. Any person, official or governmental agency dissatisfied with any order or determination of the Board may bring an action in the circuit court within 30 days of the final decision. Upon approval and satisfying any conditions, the applicant may proceed with any necessary approvals or permits authorized in the variance. In general, a variance shall run with the land to extent the zoning of the subject property remains in place. Any decision not acted upon within one year of the decision by the Board shall expire, except that the Director can allow a one-year extension if the zoning and conditions affecting the variance have not changed since.

Variance Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.: _____
Filing Fee: $625.00
Received: _____
Date Advertised: _____
Proj. No.: _____
Public Hearing Date: _____

Applicant: _____ Phone No.: _____

Address: _____ Email: _____

Owner: _____ Phone No.: _____

Address: _____ Email: _____

Location of Property: _____

Present Use of Property: _____

Proposed Use of Property: _____

Current Zoning: _____ Acreage: _____

Utility lines or easements that would restrict proposed development: _____

_____

Instructions: The following checklist is to be completed by the **applicant**. Please indicate whether the following standards are met, in the applicant's opinion. A separate sheet explaining how each standard is met **must** be included with the application.

Yes	No	
☐	☐	**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.

☐ ☐ **Adjacent Property**: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

☐ ☐ **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

☐ ☐ **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.

☐ ☐ **Spirit and Intent**: Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

☐ ☐ **Minimum Variance**: Are there substantial reasons why the property cannot be used in accord with existing zoning?

Submission of Documents: The following documents are **required** at time of submission.

Yes No

☐ ☐ Completed and signed application.

☐ ☐ Legal description of the property from a deed or certified survey. Must be legible.

☐ ☐ Additional sheet explaining how the above criteria are met.

Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Board of Zoning Adjustment until corrected and resubmitted.

Signature: _____ **Date:** _____