

**APPLICATION – APPEALS, VARIANCES, & SPECIAL EXCEPTIONS**

This form must be completed, signed, and accompanied with the fee, a legal description of property, and a complete **site plan** before being placed on the Planning & Zoning Commission docket. If needed, attach extra sheets of paper to answer questions.

1.

Current Zoning District
_____
Current Use
_____
Proposed Use
_____
Street Address of Property Subject to Proposal
_____

**OFFICE USE ONLY**

Case #: \_\_\_\_\_

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

Zone + Code Ref.: \_\_\_\_\_

Fee: **\$350**

Accepted forms of payment include cash, credit/debit, and check. **If paid by check, make out to the City of Rolla.**

2. Has a city official issued an order or made a decision that you believe to have been issued/made incorrectly? If so, provide a case/permit number or describe the interaction. If a written decision or order was issued, provide a copy. If you are not appealing an official decision and are seeking other assistance, such as an interpretation request, describe your request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Circle the variance or exception that best describes your request:

**Variations**

**Special Exceptions**

- Variance from the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, and required yard areas
- Variance from the minimum requirements for lot size, width, depth, or setback distances
- Variance from the applicable off-street parking requirements
- Variance from the open space, landscaping, and buffer-yard requirements
- Use Variance
- Subdivision Variance

- To allow a legal non-conforming use to be changed to any other use permitted in the zoning district in which the non-conforming use is allowed
- To permit the extension of an existing legal non-conforming use in a building upon a lot currently occupied as a legal non-conforming use
- To permit the use of property in the "R-1" and "R-2" Districts adjacent to the "R-3", "C" or "M" Districts for parking cars

4. Provide a more specific description of your request (e.g. reduce setback by 5 feet) and attach a drawn-to-scale site plan that contains all of the information necessary to analyze the variance request, including the location of existing and proposed structures in relation to the parcel/lot lines of the subject property:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Thoroughly explain why your proposal meets all six of the Variance Standards that are listed in Section 42-255.6 of Rolla's Planning & Zoning Code (A – F Below).

A. Describe the special circumstances or conditions applying to the land or buildings for which the variance is sought, and explain how these circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood and how said circumstances or conditions are such that the strict application of the provisions of this Article create an unnecessary economic hardship by depriving the applicant of the reasonable use of such land or building. \_\_\_\_\_

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B. Explain how the alleged hardship was not created by any person presently having an interest in the property.

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C. Explain how the purpose of the variance is not based exclusively on a desire to enhance the value of the property, or increase the return or income therefrom. \_\_\_\_\_

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D. Explain how the granting of such variance will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zoning or neighborhood areas in which the property is located.

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E. Explain how the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose, and will not alter the essential character of the neighborhood. \_\_\_\_\_

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F. Explain how the literal enforcement and strict application of the provisions of this Article will result in an unnecessary hardship inconsistent with the general provisions and intent of this Article and that in granting such variance the spirit of the Article will be preserved and substantial justice done. \_\_\_\_\_

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**NOTE:** All six of the Variance Standards that are listed in *Section 42-255.6 of Rolla's Planning & Zoning Code* must be found by the Board of Adjustments to be met prior to granting a variance. The burden of proof is on the applicant to prove to the Board of Adjustments that the Variance Standards are met. The concurring vote of four members of the Board of Adjustments shall be necessary to decide in favor of granting a variance

6. Have there been any previous variance applications submitted for any of the property that is subject to this proposal? If so, list the case numbers and submission dates of such applications or provide the ordinance number. \_\_\_\_\_

**NOTE:** *Section 42-255.1 of Rolla's Planning and Zoning Code. Hearings.*  
...No request or application to the Board of Adjustment shall be allowed on the same piece of property prior to the expiration of six (6) months from a ruling of the Board of Adjustment on any request or application to such body unless other property abutting or adjoining such property shall have within such period been altered or changed by a ruling of the Board of Adjustment...

**NOTE:** *Section 42-255.3 of Rolla's Planning and Zoning Code. Duration.*  
Any special exceptions or variances authorized or granted by the Board of Adjustment...shall authorize the issuance of a building permit, or a certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action on the part of the Board of Adjustment, unless the Board of Adjustment in its minutes shall, at the same time, grant a longer period...[If not,] the special exception or variance shall be deemed waived and all rights thereunder terminated...

7. **CONTACT INFORMATION:** All property owners must be listed. Agent, if one, is main contact.

- PROPERTY OWNER(S): \_\_\_\_\_  
Address of property: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Email & phone: \_\_\_\_\_
- AGENT or SURVEYOR: \_\_\_\_\_  
Address of property: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Email & phone: \_\_\_\_\_

8. **ACKNOWLEDGEMENT & AUTHORIZATION:** The owner(s) herein understand and agree that this application will be placed on hold if a complete application is not filed or if a complete site plan is not submitted. The undersigned owner(s) of the subject parcels understand and agree that the employees of the City of Rolla may enter and post a yard-sign on their property. The undersigned further states that I am/we are the owner(s) of the property subject to this proposal and that if I/we do not maintain ownership throughout the review process, the application will be automatically withdrawn. The undersigned further states that I/we understand the provisions of Section 42-254 through Section 42-255.8 of Article II of Chapter 42 of the Rolla City Code and propose that the Board of Adjustments consider this proposal and that all information that has been submitted on this application and attached to this application is, to the best of my/our knowledge, true.

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Signature of Owner or Authorized Agent

NOTE: The petition must bear the signature of the property owner(s). If an authorized agent signs on the owner's behalf, the agent may be required to attach the owner's written notarized authorization to this application.