

## VARIANCE PROCESS

1. Schedule a meeting with Planning staff (962-2523) to review application process.
2. Submit completed application to Planning.
3. Application is reviewed to ensure all required information and documents are provided.
4. Application is accepted and assigned a planner. **The \$460.00 fee must be paid at this time.**
5. Application is reviewed by the assigned planner. If adjustments to the application or support materials are needed, additional information will be required before a hearing date is scheduled.
6. The planner secures a hearing date once all application materials are submitted.
7. 15 days prior to the hearing, notice letters are mailed to all property owners within 150 feet of the property. Also, a notice sign is posted on the subject property at this time. The letter and sign template are provided to the applicant once a hearing date is secured. However, it is the applicant's responsibility to provide the required notices. **Applicants are responsible for the cost of mailing the letters and obtaining a sign.**
8. Staff prepares a staff report. Based on criteria in the Municipal Code, the report includes a recommendation for approval or denial of the variance. The staff report is distributed to the hearing officer in advance of the hearing. The report is also posted on the City's Civic Web site and provided to anyone requesting a copy.
9. The Hearing is presided by an appointed Zoning Board of Adjustment Hearing Officer.
  - a. Staff presents an overview of the variance request, including the staff recommendation.
  - b. The applicant presents to the hearing officer, indicating all pertinent details and providing a justification for the variance based on the required findings.
  - c. The meeting is opened to the public for comments.
  - d. The hearing officer makes a determination based on the information presented, including whether the findings in the Code have been met or not.
10. Following the hearing officer's decision, the variance enters a 10-day appeal period.
11. If the variance is granted and there is no appeal, the applicant may submit for a building permit after the appeal period expires. The approved variance must be acted upon within 18 months of approval. If the variance was requested due to an existing condition, the existing condition can remain in place; for example, a fence that exceeds allowable height limits would be allowed to remain in place.
12. If the variance is denied, the applicant may not pursue the requested construction. If the variance was requested due to an existing condition (a violation), the violation must be remedied by removing or adjusting the structure.
13. **Appeals.** Decisions of the Hearing Officer may be appealed by the applicant or any property owner who received the mailed notice regarding the variance hearing. **The fee for an appeal is \$360.00.** Appeals must be written and meet specified standards or they will be disqualified.
14. **Appeals must be received by the Planning office within the appeal period.**
15. The appeal is made to the full Zoning Board of Adjustment which consists of City Planning Commissioners. Once qualified by the City Attorney's office, the appeal hearing is scheduled and a process similar to the original variance hearing is followed. Decisions of the full Zoning Board of Adjustment are final.