

Board of Adjustment

Variances from the Zoning Regulations

The City of Wentzville, Missouri

This brochure is an informational handout only, to be used as a guide and should not be relied upon for the legality of its contents. The intent is to provide general information on the appeal process for any individual seeking relief from the requirements of Title IV Land Use Requirements for the City of Wentzville.

This brochure may not answer every question, which may be raised about the Board of Adjustment process. You may contact an attorney or the City of Wentzville Planning Department for forms, general information and questions concerning this guide and your appeal at:

City of Wentzville
Planning Department
200 E. Fourth Street
Wentzville, MO 63385
636-639-2031 or 636-639-5102
636-639-2057 – Fax

www.wentzvillemo.org – City's website

Who are the Board of Adjustment and what are the duties of the Board of Adjustment?

The Board of Adjustment consists of five (5) members who are appointed by the Mayor and approved by the Board of Aldermen. Board members serve established terms, elect a Chairman and Vice Chairman and are authorized to hear and decide on appeals for variations to the Zoning Regulations adopted by the City.

The Board of Adjustment is authorized to grant variations to the zoning regulations where a genuine and unique hardship would result if the strict application of the zoning regulations were to be applied. The Board of Adjustment has the following powers and duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Title IV Land Use, or any ordinance adopted pursuant to this Title.
2. To hear and decide all matters referred to it or upon which it is required to pass under Title IV Land Use.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of Title IV Land Use, to vary or modify the application of any of the regulations or provisions of this Title relating to the construction or alteration of buildings or structures or the use of land so that the spirit of this Title shall be observed, public safety and welfare secured and substantial justice done.
4. To determine the existence of nonconforming uses.
5. To hear and decide appeals as they pertain to the adopted building code or its intention as promulgated by the building official.

A variance/appeal will be evaluated on the following conditions/criteria:

- a. Special circumstances exist which are peculiar to the applicants land, structure or building which do not generally apply to the neighboring lands, structures or buildings in the same zoning district or vicinity;
- b. The particular physical surroundings, shape, topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the law is carried out;
- c. The purpose of the variance/appeal is not based exclusively upon a desire to achieve greater profit out of the property. Financial disadvantages shall not constitute proof of unnecessary hardships within the purpose of zoning;
- d. Strict application of the requirements of Title IV Land Use would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zoning district;
- e. The appeal if approved, will not cause or will not impair the adequate supply of light and air to adjacent property, or increase congestion on public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the City.

How do you apply for a variance?

Forms and general information may be obtained from the Planning Department for the City of Wentzville or the application forms may be mailed or faxed to your location. The Board meets monthly and application deadlines are established in advance, so you may be placed on the next available agenda.

When you apply for a Board of Adjustment variance/appeal the following information will be needed at the time of application.

1. A written statement of hardship or explanation of appeal;
2. A property survey or site plan drawn to scale, if applicable, presenting the following:
 - a. Property boundary lines;
 - b. Location and size of existing and proposed buildings;
 - c. Front, side, and rear yard setback dimensions if under appeal;
 - d. Any other features that will help illustrate the property, such as topography changes, drainage issues, and surrounding land uses.

(The Planning Department can provide assistance with this property sketch or provide an example upon request.)

3. Owners authorization. The owner of the property shall sign the application form for one or all of the owners whose names appear on the deed for the property under appeal. The applicant shall also sign if he/she is not the owner of the property under appeal.

4. The application fee is \$100.00. The application fee is applied to the cost of Public Notice advertisement required for the appeal. If you are paying by check, please make the check payable to the City of Wentzville.

5. The City shall not accept or process any application that is delinquent on any City and/or County taxes until such time as all delinquent taxes are paid to the appropriate taxing authority, per Ordinance #2445. This can be done by calling St. Charles County Collector at 636-949-7470 or emailing them at www.saintcharlescountycollector.org.

(Keep in mind the application deadline date is approximately one (1) month before the meeting, which are held the second Thursday of the month. Meeting dates and deadlines are available from the Planning Department.)

When is the decision made?

The applicant for the appeal, or his or her representative, is required to appear the night of the scheduled hearing to provide information to the Board concerning the variance request.

The Board of Adjustment will render a decision on the variance/appeal the same evening it is heard and discussed. At the public hearing the chairman will request the applicant or their representative to come forward, be sworn in and speak to the Board explaining why the variance/appeal is being requested and the hardship incurred if the variance/appeal would be denied. The Board of Adjustment members may ask questions of the applicant and may request any reasonable information they may need to render a decision. After you have spoke, people in favor of, or opposed to, the request may speak. It is important to keep your presentation brief and to the point when explaining your variance request.

THE CONCURRING VOTE OF FOUR (4) MEMBERS OF THE BOARD OF ADJUSTMENT IS NECESSARY TO APPROVE A VARIANCE/APPEAL.

A super majority vote is required to approve an appeal (four [4] of the five [5] members voting in favor).

If the Board of Adjustment votes to grant your variance/appeal, you may then apply for any necessary building permits and/or land use approval.

Before applying for a variance to the Board of Adjustment, an individual should meet with the Planning Department staff and make every effort to comply with applicable zoning regulations. Individuals who are considering applying for a variance/appeal should carefully read the criteria established within this guide as to the merits of their variance/appeal.

2008 BOARD OF ADJUSTMENT SCHEDULE

<u>Submittal Deadline</u>	<u>Board of Adjustment Meeting</u>
December 10th, 2007	January 10th, 2008
January 7th, 2008	February 14th, 2008
February 11th, 2008	March 13th, 2008
March 10th, 2008	April 10th, 2008
April 7th, 2008	May 8th, 2008
May 5th, 2008	June 12th, 2008
June 9th, 2008	July 10th, 2008
July 7th, 2008	August 14th, 2008
August 11th, 2008	September 11th, 2008
September 8th, 2008	October 9th, 2008
October 6th, 2008	November 13th, 2008
November 10th, 2008	December 11th, 2008
December 8th, 2008	January 8th, 2009

