



## ZONING VARIANCE PROCEDURES

1. Submit completed Zoning Variance Application as well as eleven (11) copies of the following:
  - a. A site plan of the property, drawn to scale, showing the location of all of the structures located on the property. The site plan should show the distances between the existing structure and the property line as well as the proposed structure and the property line.
  - b. Elevations, drawn to scale, depicting the proposed structure including the height and width of the proposed structure.

**All required information shall be provided with the Zoning Variance application. If the information is not provided, the application will be considered incomplete and will be returned to the applicant for completion.**

  2. An application fee, see Fee Schedule, will be required at the time of filing the application with the Department of Public Works.
  3. After the above requested items, including the fee, have been submitted and approved by the Department of Public Works, the applicant will be placed on the agenda for a hearing before the Board of Adjustment. The Board of Adjustment meets once a month.
  4. When applying to the Board of Adjustment, the applicant must show that applying a literal enforcement to the provisions of the regulations will result in an unnecessary hardship. The applicant shall show that by reason of the exceptional narrowness, shallowness or shape of the specific piece of property the homeowner is unable to use his property in the zoning district in a manner similar to other property in the surrounding neighborhood. A request for variance may be granted if the Board of Adjustment finds that all the following criteria has been met:
    - a. The variance requested arises from a condition that is unique to the property, is not ordinarily found in the same zone or district and has not been created by an action of the property owner or applicant.
    - b. That applying the literal interpretations of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
    - c. That special conditions and circumstances do not result from the actions of the applicant.
    - d. That granting the variance requested will not confer on the applicant any special privilege denied by the ordinance on other properties in the same district under the terms of this ordinance.
    - e. In granting a variance the Board may impose conditions to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood.
  5. In determining whether the evidence presented by the applicant supports the conditions stated above, the Board of Adjustment considers the extent to which the evidence demonstrates that:
    - a. The particular physical surroundings, shape or topographical conditions of the property would result in a severe hardship for the owner or occupant if the ordinance were literally enforced.

- b. The request for a variance is not based exclusively upon the desire of the homeowner or applicant to secure a greater financial return from the property.
- c. The granting of the variance will not be detrimental or injurious to other property improvements in the neighborhood in which the property is located.
- d. The proposed variance will not impair an adequate supply of light 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.

6. The Board of Adjustment consists of five (5) members. A minimum of four (4) members must approve the variance request.
7. No variance granted by the Board of Adjustment shall be valid for a period longer than ninety (90) days from the date upon which the variance is granted. The applicant may request additional time from the Board of Adjustment.
8. Information regarding application for the Board of Adjustment can be obtained from the City Planner at 314-729-4781.



## Zoning Variance Application

Application Fee, see Fee Schedule.

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

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Appeal: \_\_\_\_\_ Email: \_\_\_\_\_

Application is hereby made to the City of Crestwood Board of Adjustment for its consideration of a variance from the regulations and restrictions of the Zoning Regulations of the City of Crestwood as they pertain to the land presently zoned \_\_\_\_\_.

The exact legal description of the property is as follows (may be attached):

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The Department of Public Works denied applicant's request for zoning permit, or the applicant is appealing the requirement to construct a:

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The applicant hereby requests a variance to allow (include a plot plan drawn to scale and with existing conditions and proposed plans for the area in question):

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The applicant must clearly show the followings:

1. The applicant must show that this property was acquired in good faith and (1) where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or (2) where by reason or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of their property in the manner similar to that of other property in the zoning district where it is located. Section 26-3.D.6.b.(1)

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2. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant. Section 26-3.D.6.b.(2)(a)(i).

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3. That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this article. Section 26-3.D.6.b.(2)(a)(ii).

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4. That the special conditions and circumstances do not result from the action of the applicant. Section 26-3.D.6.b.(2)(a)(iii).

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5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district. Section 26-3.D.6.b.(2)(a)(iv).

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6. The request for a variation is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property. Section 26-3.D.7.b.

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7. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which property is located. Section 26-3.D.7.c.

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8. The proposed variation will not impair an adequate supply of light 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. Section 26-3.D.7.d.

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Property Owner or Authorized Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**OFFICE USE ONLY**

Date Drawings Reviewed: \_\_\_\_\_ By: \_\_\_\_\_

**Final Approval:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Board of Adjustment Meeting Date: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

If Approved, Zoning Permit #: \_\_\_\_\_

**PLEASE NOTE:**

*Unless as otherwise specified by the Board of Adjustment in their approval for an application, no variance granted by the Board of Adjustment shall be valid for a period longer than ninety (90) days from the date which the variance is granted. Sec. 26-3.D.9.*

**Payment Section**

Date Paid: \_\_\_\_\_ Payment Amount: \_\_\_\_\_

Payment: Cash \_\_\_\_\_ Check: \_\_\_\_\_

Payment Received by: \_\_\_\_\_