



## **ZONING BOARD OF APPEALS APPLICATION**

***YOU MUST PROVE BEYOND A REASONABLE DOUBT THAT A HARDSHIP EXISTS.***

1. Obtain application from City Hall and denial letter from the Building Department.
2. Fill out the form completely. Include copy of the plot plan and elevations prepared in accordance with the following requirements:
  - a. Scale of not less than 1" = 20 ft.
  - b. The location and size of all existing and proposed structures. Show all overhangs, cornices, porches, fences and walls.
  - c. The location of all drives, approaches and parking layouts.
  - d. The dimensions of all lot and property lines showing relationships of subject property to abutting property and structures.
  - e. Show right-of-way widths of all abutting streets and alleys.
  - f. The date of prepared and the north point.
  - g. The name, address, seal of the licensed surveyor preparing the plan.
3. Return completed application, denial letter, copy of plans, and the appropriate fee to the City Clerk: Residential – \$200.00, Commercial – \$500.00.
4. Applications for an appeal must be received by the first of the month in order to be scheduled for that month's Zoning Board of Appeals meeting.
5. The City Clerk will publish a notice of the appeal in the News Herald, and all property owners registered on the tax roll within three hundred (300) feet of the affected property will be notified by mail of the appeal.
6. At the time of the meeting/public hearing, the appellant or their designated representative must appear to present the appeal. If appellant is other than the owner, he/she must have the written consent of the owner to make the presentation before the Board.
7. At the time of the public hearing, the Zoning Board of Appeals will hear any arguments for or against the proposed request, and may either grant or deny the request. When an appeal is granted, there will be a five (5) day waiting period before the appeal becomes final.
8. In the event an appeal involves a waiver of front, side or rear yard, relationship of existing building on adjacent properties shall be shown on a plot plan which may be drawn to scale of 1" = 50 feet. On waivers of lot coverage, computation of lot and building area shall be shown.
9. In all instances, a building, sign, occupancy or user permit must be issued to validate an appeal that has been favorable to the appellant.
10. In the event your appeal is tabled, a new revised plan and any necessary amendments to the original appeal, must be in this office not later than the seven (7) days preceding the tabled meeting date.
10. NOTE: With respect to appeals regarding signs, in addition to the information contained in (a) through (g), it will be necessary that an accurately dimensioned plan and rendering of the sign(s) be provided.
11. The ZBA may not grant the variance request unless the applicant proves that the four (4) questions on the attached page are the facts and the conditions that exist.

***Meetings of the Zoning Board of Appeals are held on an as-needed basis on the last Tuesday of each month at 4:30 p.m. (subject to change for holidays).***

**APPLICATION FOR ZONING BOARD OF APPEALS**

DATE \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Applicant's Phone Number \_\_\_\_\_

(If the applicant is not the property owner, then provide a letter of authorization from the owner to authorize said application.)

Owner of Property: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Phone: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_

ZONING OF PROPERTY: \_\_\_\_\_

PARCEL NUMBER: \_\_\_\_\_

BRIEF EXPLANATION OF VARIANCE REQUEST: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHAT IS THE HARDSHIP? WHY DO YOU FEEL THIS VARIANCE IS NECESSARY?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This construction and/or project is requesting a variance to:

Article \_\_\_\_\_

Section \_\_\_\_\_

of the City of Gibraltar Code of Ordinances

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

<b><u>OFFICE USE ONLY:</u></b>	
<i>Received by:</i> _____	<i>Date of Meeting:</i> _____
<i>Fee:</i> _____	<i>Time:</i> _____
	<i>Place:</i> _____

## APPLICATION FOR APPEAL / VARIANCE

This form is provided to assist the applicant in presenting a Zoning variance request to the Zoning Board of Appeals. Following each portion of the Zoning Ordinance as quoted, is a common language explanation or question.

"No such variance or modification of ordinance provisions shall be granted unless it appears beyond a reasonable doubt that all four (4) of the following facts and conditions exist."

The Zoning Board of Appeals may not grant the variance request unless the applicant proves that all four (4) of the following facts or conditions exist:

1. *"That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the extended use of the property that do not apply generally to other properties or class of uses in the same district or zone."*

What about your property, in relation to the variance requested, is different than other properties in your area?

---

---

---

2. *"That such variance is necessary for the preservation and enjoyment of a substantiate property right possessed by other property in the same vicinity."*

What makes this requested variance necessary for you to use your property in the same manner that others in your area use their property?

---

---

---

3. *"That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located."*

Can you demonstrate that this requested variance would not be injurious to your neighbor's property rights or the general public?

---

---

---

4. *"That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the City."*

The Zoning Ordinance sets certain guidelines for the development of property. Show that these guidelines are not affected by the requested variance.

---

---

---