

**CITY OF MADISON LAKE
APPLICATION FOR VARIANCE**

Fee \$200

(A) Applicant's Name _____ Phone _____

(B) Address _____

(C) Legal Description of Property _____

(D) Property Owner's Name (if different from above) _____

Address _____ Phone _____

(E) Description of Request _____

(F) Reason(s) for Request _____

(G) Present Zoning Classification _____

(H) Existing Use of Property _____

(I) Section of Ordinance in which a variance is sought: _____

(J) Please answer the following questions as they relate to your project:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes No why or why not:

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes No why or why not:

3. In your opinion, does the proposal put the property to use in a reasonable manner?

Yes No why or why not:

4. In your opinion, are there circumstances unique to the property?

Yes No why or why not:

5. In your opinion, will the variance maintain the essential character of the locality?

Yes No why or why not:

The City must make an affirmative finding on all five of the criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The City shall not consider as a variance any use that is not permitted for the property in the district where the affected person's land is located.

No application for a variance shall be considered by the Council within a 1-year period following a denial of the request unless, in the opinion of the Council, new evidence or a change in circumstances warrant it.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the Madison Lake City Code and other applicable City Ordinances. Submittal of the application, required information and fee does not guarantee the issuance of a variance. Additional information may be needed or conditions may exist that would prevent the actual granting of a variance.

Applicants Signature

Date

FOR OFFICE USE ONLY

Date Submitted _____ Date Accepted _____ Fee Paid _____ 60Day Rule _____

Public Hearing Date: _____

(Circle one) Approved Denied by the City Council on _____, _____.

If approved, the following conditions were prescribed:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

If denied, denial was for the following reason(s): _____

PROCEDURES: The procedure for obtaining a Variance from the regulations of the Zoning Ordinance are as follows:

- 1. The property owner or his agent shall file the completed application together with the required exhibits and pay a filing fee as established by the City Council.
- 2. When the City Administrator determines the application to be complete the public hearing date will be set.
- 3. The City Administrator shall publish a notice of the Public Hearing at least once in the legal newspaper not less than ten (10) days prior to the hearing.
- 4. The City Administrator shall give written notice to all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
- 5. The City Council shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the Council cannot take action to approve or deny the application within these sixty (60) days, the Council may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant in writing.
- 6. No application for a Variance shall be considered by the City Council within a one (1) year period following a denial of such request, except that the City Administrator may permit a new application to be filed if new evidence or a change in circumstances warrant it.

REQUIRED EXHIBITS FOR VARIANCES The following exhibits shall be required:

- ___ Yes ___ No 1. A completed application form
- ___ Yes ___ No 2. An accurate boundary description of the property, in some cases a certified survey of the property will be required.
- ___ Yes ___ No 3. Evidence of ownership or enforceable option on the property
- ___ Yes ___ No 4. An accurate drawing, at scale, showing property lines, locations of existing buildings and proposed project.

NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A VARIANCE. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A VARIANCE.