

Date Received:  
By:

**CITY OF TOWN AND COUNTRY  
BOARD OF ADJUSTMENT  
APPLICATION FOR APPEAL**

**TO AVOID UNDUE DELAY, THIS APPLICATION MUST BE  
COMPLETE AND ALL ITEMS SUBMITTED**

**APPLICANT INFORMATION**

Name \_\_\_\_\_

Address \_\_\_\_\_ Daytime Phone # \_\_\_\_\_

\*(**Include city and zip, please**) Email address: \_\_\_\_\_

Applicant status: Owner \_\_\_\_\_ Other (describe) \_\_\_\_\_

Owner of site as shown on deed \_\_\_\_\_

**SITE INFORMATION**

Locator Number \_\_\_\_\_

Lot No. \_\_\_\_\_ Subdivision \_\_\_\_\_

Address or location \_\_\_\_\_

No. of Acres \_\_\_\_\_ Zoning District \_\_\_\_\_

Pursuant to the provisions of the Municipal Code of the City of Town and Country, an appeal is hereby made to the Board of Adjustment:

\_\_\_\_\_ for variance from the strict application of the requirements of the Zoning Regulations; or

\_\_\_\_\_ for review of an order, decision, or determination of \_\_\_\_\_

**Please submit the following:**

\_\_\_\_\_ Two copies of **current and dated, sealed** plats/plans which clearly cover the facts relating to this appeal. Minimum size plan required is 17" x 22".

\_\_\_\_\_ A copy of the written decision of the Planner/Code Official, or a description of the variance(s) sought, citing relevant sections of the applicable code or ordinance.

\_\_\_\_\_ A \$500 check\* payable to the City of Town and Country.

\_\_\_\_\_ \*Certain direct expenses may be invoiced separately to the applicant, if applicable.

\_\_\_\_\_ A narrative setting forth the specific grounds for appeal.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature(s) of Owner(s) of Referenced Site**

\_\_\_\_\_  
Date

**CITY OF TOWN AND COUNTRY  
APPELLANT'S GUIDE TO THE  
BOARD OF ADJUSTMENT**

The Zoning Ordinance of the City of Town and Country establishes minimum requirements for each land use district. Within each district, standards such as building setbacks, minimum lot area, minimum lot width, maximum floor area per lot, parking and greenspace requirements are specified. When these requirements cannot be met, a property owner may seek variance from the strict application of the Zoning Ordinance from the Board of Adjustment.

**AREA VARIANCES**

Area or non-use variances are deviations from requirements within a given zoning district, for example, greenspace, height, and setbacks or building lines. The Board of Adjustment is authorized to grant non-use variances from strict application of the zoning ordinance only upon a finding that:

- a. The applicant has sufficiently demonstrated that strict application of the Zoning Ordinance would result in practical difficulties or unnecessary hardship. There must be evidence of unique circumstances or conditions such that if provisions of the Zoning Ordinance were strictly applied, the applicant would be deprived of reasonable use of the subject property or structure. The circumstances must be peculiar to the subject property and not generally prevalent in the neighborhood; and
- b. To grant an area or non-use variance would be in harmony with the general purpose and intent of the Zoning Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- c. The deviation from the strict application of the Zoning Ordinance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area, and would not in any other respect impair the public health, safety, comfort, morals, and welfare of the City.

Upon making the above finding, the Board of Adjustment is to grant the minimum variance necessary to allow the applicant reasonable use of his or her land.

**OTHER APPEALS**

The appeals listed below may also be filed with the Board of Adjustment. Please contact the City Clerk if you are considering such an appeal. In these instances, the decision of the Board of Adjustment is determined by a different, and in some cases more stringent, findings by the Board of Adjustment.

- Appeals for review of orders, requirements, decisions or determinations of the Planning Director or any other City administrative official in the enforcement of the Zoning Ordinance, alleged to be erroneous; and
- Appeals for use variances; and
- Appeals for parking variances; and
- Appeals from the requirements of the Building Code.

## THE BOARD OF ADJUSTMENT

The Board of Adjustment meets and holds public hearings generally at 6:00 P.M. on the third Monday of each month in the Municipal Center, 1011 Municipal Center Drive, City of Town and Country, Missouri. Occasionally, the meeting date/time must be changed.

Most cases are heard and decided at the same meeting. A concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision of the Director, or to decide in favor of the applicant on any matter upon which it is required to pass.

**If granted, a variance is valid for twelve (12) months.** During this time, any permits or remaining approvals must be obtained. An expired variance cannot be renewed or extended; the applicant must reapply.

**The deadline for submittal of an Application for Appeal is twenty (20) working days prior to the public hearing.**

Before a decision can be made on an appeal, the Board of Adjustment is required to hold a public hearing on the matter. The appellant and property owners within 300 feet of the subject property are notified of the hearing by mail. Notice of hearing is published in a newspaper of general circulation and is posted on the subject property.

### APPLICATION PROCEDURE

#### **TO AVOID UNDUE DELAY, PLEASE FOLLOW THE STEPS AS OUTLINED BELOW:**

1. Make application (with the Development Office) for a permit as required under the Zoning Regulations or the Building Code.
2. Following review of the plans submitted to the Development Office, the applicant will receive a letter from the Planner/Code Official stating the nature of the variance required.
3. Obtain an "Application for Appeal" from the City Clerk, Development Office, or website.
4. Submit the completed application along with the following to the City Clerk:
  - a. Two **sealed** copies of the plats and plans which clearly cover the facts relating to this appeal.
  - b. A copy of the written decision of the Planner/Code Official, or a description of the variances sought citing relevant section numbers of the applicable code or ordinance.
  - c. A \$500 check\* payable to the City of Town and Country.
  - d. A brief narrative setting forth the specific grounds for appeal.

\*Please be advised that certain direct expenses associated with the application shall be the responsibility of the applicant, pursuant to Resolution No. R05-2020, and will be invoiced separately, if applicable.

5. The hearing date is set, and the Notice of Hearing is published in the newspaper and posted on the subject property. Notification of hearing is mailed to the appellant and adjacent property owners within 300 ft. of subject property.

## **THE HEARING FORMAT**

A court reporter will record the public hearing and all those making statements will do so under oath.

1. The City makes a presentation of the pertinent facts. The presentation will include exhibits and testimony of witnesses.
2. The Appellant makes a presentation. The appellant may enter exhibits and call witnesses. Exhibits which might be presented to substantiate the facts or position being presented are: photographs, drawings, site plans, letters and communications relevant to the issue.
3. At any time during the hearing witnesses may be asked to respond to questions from the members of the Board of Adjustment.
4. The Board of Adjustment then hears those who wish to speak in favor of the granting of the variance (s), followed by those who wish to speak against the variance (s).
5. The City and Appellant will then have the opportunity for rebuttal.