

**NOTICE OF APPEAL FOR VARIANCE**  
**BOARD OF ADJUSTMENT**  
**VILLAGE OF SUNRISE BEACH, MO.**

(Office use only)

Case # \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Fee Receipt # \_\_\_\_\_

**Applicant: Please provide the following information:**

Location of property affected by this appeal:

Address

Subdivision \_\_\_\_\_ Block # \_\_\_\_\_ Lot # \_\_\_\_\_ Zone \_\_\_\_\_

Applicant's

Owner's

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Phone # \_\_\_\_\_

**APPEAL FOR VARIANCE**

Applicant requests that a determination be made by the board of Adjustment on the following appeal, which was denied by the Building Official on \_\_\_\_\_

Appeal for Variance for a permit to erect or use the above building or land for: \_\_\_\_\_

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

NOTE: This application is not acceptable unless all required statements have been made.

**Add additional pages if necessary**

I. APPEAL FOR A VARIANCE, as provided in

A variance may be granted an applicant only when the Board of Adjustment finds:

- A. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought, **which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood**, and that said circumstances or conditions are such that the strict application of the provisions of this Article shall deprive the applicant of the reasonable use of such land or building.

☐ Please describe the special circumstances or conditions:

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\_\_\_\_\_ , and

- B. That the alleged cause of the hardship has not been created by any person presently having an interest in the property.

☐ Yes \_\_\_\_\_ No \_\_\_\_\_ , and

- C. That the purpose of the variance is not based exclusively on a desire to enhance the value of the property, or increase the return or income there from.

☐ Yes \_\_\_\_\_ No \_\_\_\_\_ , and

- D. That the granting of such variance **will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements** in such zones or neighborhood in which the property is located.

☐ Please describe how the granting of this variance will not be injurious to the property or improvements in such zones or neighborhood adjoining the subject property: \_\_\_\_\_

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\_\_\_\_\_ , and

- E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance if granted by the Board is **the minimum variance** that will accomplish this purpose, and will not alter the essential character of the neighborhood

Is the variance requested the minimum necessary to permit the reasonable use of the land or building without altering the essential character of the neighborhood?

☐ Yes \_\_\_\_\_ No \_\_\_\_\_ , and

F. That the literal enforcement and strict application of the provisions of this Article will result in an **unnecessary hardship inconsistent with the general provisions and intent of this Article** and that in granting such variance the spirit of the Article will be preserved and substantial justice done. The concept of “unnecessary hardship” relates to “economic hardship” as defined in this Article in that the hardship must not be a mere inconvenience for the property owner, but must represent a situation whereby ‘but for’ the variance, the property owner would be denied a reasonable use of the subject property.

☐ Please describe how granting the variance will eliminate an unnecessary hardship:

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

II. Has any previous application or appeal been filed in connection with these premises? ☐  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, give date and case number: \_\_\_\_\_

- III. Attached hereto and made part of this application, the following is submitted:
- A. A copy of the ruling of the Building Official from whom this appeal is taken;
  - B. The names and addresses of owners of property within a distance of 185 feet from the exterior limits of the property involved in this appeal as shown by the latest assessment roll of Phelps County;
  - C. Plot plan of property involved showing location of proposed and existing structure; and
  - D. Other factual evidence on which the appeal is based, and such information as the Board will need to reach an intelligent decision.

**APPLICANT CERTIFICATION**

I hereby depose and say that the above statements and the statements contained in all the exhibits transmitted herewith are true.

Applicant \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ , 2003

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_