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What is a variance?

A variance grants special relief from the City's adopted zoning regulations. For example, a variance may grant relief from the setback requirements, or allow the reconstruction and re-use of a non-conforming use or structure.

The variance process is intended for situations where the zoning requirements overly burden one property more than other properties in the area. Variances address unique circumstances of property development that are beyond the control of the property owner. Examples include but are not limited to, construction on old lots that are grossly irregular in shape or on lots that have physical constraints, or an identified critical area, such as a wetland or steep slope.

Who can grant a variance?

The Board of Adjustment has the authority to grant variances in cases where strict application of the zoning regulations would result in unnecessary hardship for the property owner. The Board of Adjustment consists of five (5) Crystal Lake Park residents appointed by the Board of Alderpersons.

What is the process?

The first step in the variance process is to re-examine your construction needs and plans. Trying to make a lot fit a building plan is more difficult than designing a building that fits a lot. Consideration should be given to alternative building design and placement to establish the range of options that do not require a variance. If it appears that no alternatives exist, an application for a variance may be necessary.

Contact the City Planning Consultant if you think you need a variance and download the necessary application from the Crystal Lake Park website [<http://www.crystallakepark.org>]. The application contains a check list of all necessary items which must be submitted as part of the appeal.

The Board of Adjustment meets on the fourth Thursday of every month. The deadline for submission is a minimum of thirty (30) days prior to a scheduled meeting. However, if the application is incomplete, it may be delayed.

Initial submittals should be submitted digitally to the City Planning Consultant. Once a submittal is received via e-mail, the City Planner will review the submittal for completeness and advise the petitioner if the submittal is complete or incomplete. If incomplete, the City Planner will advise the petitioner of the specific deficiencies.

Once the petition is deemed complete, the petitioner will submit a total of ten (10) sets of plans. Nine (9) copies will be delivered to the City Clerk and one (1) copy to the City Planning Consultant. Complete petitions will be placed on the next Board of Adjustment agenda, still allowing at least twenty (20) days for the City Planning Consultant to publish in the local paper and prepare a report on the petition to the Board for review.

The actual meeting is called a public hearing. In addition to publishing the meeting date and time in a local paper, abutting property owners are notified of the meeting and invited to attend the meeting to provide input. A court reporter is also hired to take notes of the meeting proceeding.

Variance Review and Approval Process

The Board of Adjustment may make a decision on the appeal on the same evening, continue the public hearing to gather more information, or deny the appeal. To be granted a variance, four (4) out of the five (5) members of the board must vote to approve the variance.

How are variances evaluated?

Setback and other AREA variances are evaluated on specific criteria as follows:

1. How substantial the variance is in relation to the requirement;
2. The potential effect of the increased population density produced on the available government facilities;
3. The potential to produce a substantial change in the character of the neighborhood or a substantial detriment to adjoining property owners;
4. The ability to obviate the difficulty by some method, feasible for the applicants to pursue, other than the variance; and
5. In view of the manner in which the difficulty arose and considering all of the above factors, whether the interests of justice would be served by granting the variance.

In presenting any application for a variance to authorize a USE that the Zoning Code does not allow, the burden of proof shall rest with the applicant to:

1. Demonstrate an unnecessary hardship which is defined by the following criteria:
 - a. The land in question cannot yield a reasonable return if used only for a use permitted in the zone in which it is located;
 - b. The owner's plight is due to unique and not to general neighborhood considerations; and
 - c. The granting of the variance would not alter the essential character of the locality.
2. Prove that relief is necessary because of the unique character of the property;
3. Prove that the variance will not destroy the preservation of the Comprehensive Plan; and
4. Prove that granting the variance will result in substantial justice.

How much will it cost?

The process requires a \$500 fee to cover the cost associated with publishing in the local paper for the public hearing, a court reporter, and third party professional reviews.

Variance Review and Approval Process

What kind of information do I need to submit?

The plan must include an existing and proposed Site Plan clearly illustrating the variance request. Again, a digital copy must be submitted initially for City staff review. Staff will review the digital plan and provide the applicant with a list of corrections, deficiencies or other changes which must be made to the submittal.

The plan should also include the following, as applicable to the specific request:

1. Name, address, and telephone number of the person or firm submitting the documents and the person or firm to whom the review comments should be forwarded.
2. Once plans are revised to address all necessary corrections, deficiencies or other changes, the applicant must submit ten (10) plan sets (11" by 17").
3. A sketch showing dimensions, existing structures, proposed structures, streets and setbacks from property lines.
4. A letter of application stating in general terms why the variance is needed and if the appeal meets the criteria.

How long does the variance process take?

The process takes approximately thirty (30) days from the date of a complete submittal.

Need more information?

This publication is intended to provide general information only. It is not a substitute for the requirements of official plans, policies, resolutions and/or codes of the City of Crystal Lake Park. Additional information on variances from zoning regulations, fees or scheduling a meeting may be obtained by contacting the City Planner.

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