

**VARIANCE INFORMATION**  
**(City & 3-mile non-ag areas)**  
**Planning & Inspections Office**

353-8512

239 Wisconsin SW

**Form due back** \_\_\_\_\_ **Meeting dates:** Hearing Examiner (12:00 noon) \_\_\_\_\_ and City Commission (5:30 pm) \_\_\_\_\_. You or a representative is expected to be present. All meetings are held in the City Commission meeting room.

Applying for a Variance? This information will assist you through the application process. Please visit with the Planning & Inspections Office before proceeding to complete the application. This Office will review the appropriate zoning ordinances and application process.

### **The Application**

**Neighborhood:** It is highly recommended that you visit with and inform your neighborhood about your plans and address their concerns in your application.

**Form:** The application must be filed 30 days prior to the public hearing date. An incomplete form will not be accepted. Additional information (plot plan, pictures, etc.) may be requested by the Planner.

**Joint Jurisdictional Zoning Area:** If your property is located within an area zoned non-ag around the City of Huron you are required to apply to the City of Huron for a variance. A joint city/county planning commission meeting will be scheduled to hear your request. Date: \_\_\_\_\_ 7:00 pm

**Fee:** There is a \$100.00 filing fee, which covers the cost of processing your request. If at any time prior to the Zoning Board of Adjustment hearing you withdraw your request, you will be refunded \$50.00.

### **The Process**

**Review:** The Planning and Inspection Offices will review your request and any property in question. Written remarks and recommendations will be forwarded to the Hearing Examiner or if applicable the Joint Planning Commission and may suggest that the applicant be required to abide by certain conditions as part of the approval of their request. Such remarks and recommendations are available to the applicant upon request.

**Notice:** Approximately 10 days before the hearing by the Hearing Examiner or Joint Planning Commission a sign will be posted on the applicant's property. The Planning Office will mail a public notice to all property owners and/or residents within 150 feet of your property (excluding public right-of-way). The Planning Office can provide you with a list of addresses who could potentially be notified.

### **Hearings**

**Hearing Examiner:** Generally on the third Wednesday of the month, the Hearing Examiner will hold a public hearing and take testimony for and against your request. Following the discussion of your request, the Hearing Examiner may recommend in favor or against your request. The recommendation will be forwarded to the Zoning Board of Adjustment.

**Joint Planning Commission:** Generally the second Wednesday of the month, the Joint Planning Commission will hold a public hearing and take testimony for and against your request. Following the discussion of your request, the Joint Planning Commission may recommend in favor or against your request. The recommendation will be forwarded to the Zoning Board of Adjustment. The recommendation will also be forwarded to the Beadle County Commission.

**Zoning Board of Adjustment:** Generally on the following Monday of the month at 5:30 p.m., the City Commission acting as the Zoning Board of Adjustment will consider your request. Following the discussion of your request, they may approve or deny your request.

## **Criteria for Review of Variance**

1. The plight of the applicant is due to unique circumstances of applicant's property.
2. The plight of the applicant is not due to the circumstances or conditions of the neighborhood or zone.
3. The unique circumstances which rendered the property incapable of being used in compliance with this ordinance have not been caused or created by actions of the applicant.
4. The variance in question is the minimum variance which is necessary for the reasonable use of the property.
5. The variance requested can be granted with substantial justice to the applicant as well as other property owners in the area.
6. The granting of this variance will be in harmony with the general purpose and intent of this ordinance while maintaining the integrity of the comprehensive plan.
7. The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.
8. That for an area variance, compliance with the strict application of this ordinance governing area, setbacks, frontage, side yards, height, bulk or density will unreasonably prevent the owner from using the property for a permitted purpose.
9. That for a use variance, the land in question cannot yield a reasonable return, if only used for a purpose allowed in the zone.

It is your responsibility as the party applying for the variance to explain why you should be granted the variance of the zoning ordinance. Your request must comply with the above "Criteria for Review of Variance".

If you cannot comply with one or more of these requirements, attach information to the variance application form explaining the situation and why you cannot meet the requirement(s).

# VARIANCE APPLICATION

\*Application must be filed 30 days prior to the public hearing date.  
Filing fee \$100.00

[please print]

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Project Address: \_\_\_\_\_

Legal Des: \_\_\_\_\_

Zone: \_\_\_\_\_ Zoning Code Effected: 23.\_\_\_\_.\_\_\_\_ & 23.\_\_\_\_.\_\_\_\_

## REQUEST PERMISSION TO:

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

Based on the municipal zoning codes of Huron, title 23, "the applicant for a zoning variance carries the burden of persuading the commission that in granting a variance it will be in keeping with the spirit and intent of this title within the zoning district in which such variance is applied for". With this legal guideline in mind, please fill in the following blanks to demonstrate how your request meets the guidelines.

**1. Describe your variance request and how it differs from the strict written codes. (i.e. the garage will be only 4' from the side property line where the code requires 7'.) \_\_\_\_\_**

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

2. Describe the exact purpose of the proposed construction or use. \_\_\_\_\_

\_\_\_\_\_

3. Why are other alternatives (location/uses) not possible? \_\_\_\_\_

\_\_\_\_\_

4. In comparison to your neighborhood, what is unique about your property that you should be given special consideration? \_\_\_\_\_

\_\_\_\_\_

5. Describe how your variance will not have a negative effect on any neighbor's property.

\_\_\_\_\_

\_\_\_\_\_

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

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**ACTION ON REQUEST**

Hearing Examiner Recommendation:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Withdrawn: \_\_\_\_\_

Planning Commission Recommendation:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Withdrawn: \_\_\_\_\_

Board of Adjustment  
Comments:

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Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Withdrawn: \_\_\_\_\_

Finance Officer's Signature: \_\_\_\_\_