

**JACKSON COUNTY, MISSOURI  
DEPARTMENT OF PUBLIC WORKS  
PLANNING AND DEVELOPMENT DIVISION  
NON-USE VARIANCE APPLICATION**

(A non-use variance allows a property owner to deviate from a restriction related to the permitted use such as height of structure or setback from property line.)

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**APPLICANT INFORMATION**

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050, by the deadline on the Board of Zoning Adjustment Calendar.
  2. Applications must be typed or printed in a legible manner.
  3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
  4. The application shall be accompanied by at least one set of drawings to clearly indicate the requested variance in relation to the property and/or structures. These include a plot plan, plat, site plan, survey and/or building elevation(s). Pictures can be submitted with the application and drawings but cannot replace the drawings. **These drawings must be able to be clearly read as well as being reproduced. If the drawings are larger than 11" by 17", a smaller copy of the drawings shall also be provided.**
  5. **Filing fee of \$350.00 (non-refundable) must accompany application.**  
(Check payable to: Manager of Finance)
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**TO BE COMPLETED BY OFFICE PERSONNEL ONLY**

Variance case number          VS-         

Date filed                                  Date of Hearing                                 

Date advertised                                  Date property owners notified                                 

Date signs posted                                 

**Hearings:** Heard by                  Date          Decision                 

Heard by                  Date          Decision                 

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**NOTICE TO APPLICANTS:**

1. A variance is defined as a modification of or departure from the provisions of the Unified Development Code (UDC) which, if applied to a specific parcel, would significantly interfere with the use of the particular property.
2. The Board of Zoning Adjustment may authorize in specific cases a variance from the specific terms of this Development Code which will not be contrary to the public interest and where, owing to specific conditions, a literal enforcement of the provisions of this Development Code

will, in an individual case, result in unnecessary hardship in the case of a use variance or practical difficulties in the case of a non-use variance, provided that the spirit of this Development Code shall be observed, public safety and welfare secured and substantial justice done.

3. The Board's authority is limited by the statutes of the State of Missouri and the UDC. The Board may only grant a variance if, in its discretion, each of the variance criteria is met. (See statements of Variance Criteria.) **It is the applicant's responsibility to demonstrate to the Board that each of these criteria has been met.** The Board may evaluate the evidence in the record, and exercise its discretion on whether each of these criteria has been met on a case by case basis.

**BEGIN APPLICATION HERE:**

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**1. Data on Applicant(s) and Property Owner(s):**

- a. Applicant(s) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
- b. Property Owner(s) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
- c. Agent(s) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
- d. Applicant's interest in Property: \_\_\_\_\_

2. Variance Request: (Give description of variance(s) requested and cite the section(s) of the UDC from which variance(s) is/are requested.) \_\_\_\_\_

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3. Property Address: \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

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5. Size of Property (indicate square feet or acres): \_\_\_\_\_

6. Current Zoning Classification: \_\_\_\_\_

7. Present Land Use: \_\_\_\_\_

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8. Actions by applicant on property:

a) Building permit applied for and denied (date) \_\_\_\_\_

b) Building permit application number \_\_\_\_\_

c) If no building permit was applied for, explain: \_\_\_\_\_

9. **Statement of Variance Criteria**

In accordance with Section 24003.23(i.) of the Unified Development Code, the applicant must meet each of the following requirements to support the granting of the requested variance. Failure to complete each may result in an incomplete application. Describe in detail how this application meets each of the following requirements.

a. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

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b. The granting of the variance will not be opposed to the general spirit and intent of the UDC from which the variance is sought.

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c. The variance requested will not adversely affect the public health, safety or general

welfare.

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- d. The variance requested arises from a condition which is unique and peculiar to the property in question and which is not ordinarily found in the same zoning district and further, is not created by an action or actions of the property owner or applicant.

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- e. Substantial justice will be done by the granting of this variance.

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**10. Statement of Non-Use Variance Criteria**

Further, in accordance with Section 24003.23(i.) of the UDC, the applicant must meet each of the following requirements to support the granting of the requested non-use variance.

Practical difficulties exist that would make it impossible to carry out the strict letter of the Unified Development Code when considered in light of the following factors:

- a. How substantial the requested variation is in relation to the requirement of the Code.

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- b. The effect of increased population density, if any, on available public facilities and services, if the variance is allowed.

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- c. Whether a substantial change will be produced in the character of the neighborhood, or whether a substantial detriment to adjoining properties will be created if the variance is allowed.

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d. Whether it is feasible for the applicant to pursue a method, other than a variance, to obviate the practical difficulty.

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e. Whether the interests of justice will be served by allowing the variance, in view of the manner in which the practical difficulty arose in consideration of all of the above factors.

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f. Conditions of the land in question, and not conditions personal to the landowner. (The Board will not consider evidence of the applicant's or landowner's personal financial hardship unrelated to any economic impact on the land.)

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