

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS HEARING PROCEDURES

The Zoning Board of Appeals regularly meets the second Wednesday of each month; complete application, supporting documents and fee must be received at a minimum of 45 days before the hearing in order to be considered at the next regular meeting.

The application form must be filled in completely and include a complete plot plan showing accurate measurements of what is existing on the property and what is proposed. **NOTE: The plot plan must be to scale.** For applications involving the construction of structures, e.g., new homes or additions, the Zoning Board of Appeals requires that the application be accompanied by a current (not more than one year old) staked survey which has been prepared by a registered land surveyor. **Mortgage reports or surveys are not acceptable.** A photograph of the existing property is also required to show the existing condition of the site.

A minimum of **eight (8) copies** of all required documents must be provided to the City. A hearing will not be scheduled until the required number of copies of the application, accurate plot plan, photographs and fee are submitted.

Once a hearing has been scheduled, all property owners within 300 feet of the applicant are notified that there has been a request to grant a variance from the Zoning Ordinance. They are advised of the variance request and the scheduled date of the hearing so they may comment if they so desire.

If the Zoning Board of Appeals grants the variance, a building permit must be obtained before work can begin.

The fee is \$200.00 if the hearing is scheduled for the regular Zoning Board of Appeals meeting; an additional \$75.00 fee is required if petitioner chooses to table a scheduled hearing. The fee for a special Zoning Board of Appeals hearing is \$375.00. The fee for the notice of publication is to be paid at time of application, estimated fee (\$75) and shall be adjusted after publication.

VARIANCES

The Zoning Board of Appeals has the power to grant variances upon appeal from the strict application of the zoning ordinance. **An appeal may be filed when there is a practical difficulty or hardship** preventing a property owner from conforming to the strict letter of the ordinance. The Zoning Board of Appeals will consider the request for a variance and determine whether it may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the ordinance.

The authority of the Zoning Board of Appeals is designed to provide relief to a property owner from an ordinance requirement that is uniquely affecting him/her. **The problem the property owner faces must be created by circumstances unique to the property and not shared by surrounding parcels and the problem cannot be self-created.** Typically the following situations must exist:

1. The alleged practical difficulty is exceptional and peculiar to the property and generally does not exist throughout the city. An irregular shaped lot or odd natural characteristics of the land are possible examples of this.
2. The alleged practical difficulty must be more than a mere inconvenience or need for financial gain or financial savings.
3. The practical difficulty was not created by an action of the applicant and either existed at the time of the adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as road widening. A self-created hardship is typically not a valid basis for a variance.
4. The variance is the minimum necessary to permit reasonable use of the land and building for activities permitted in the zoning ordinance.
5. Justice considering: Public benefits specifically defined by zoning rules, AND Individual hardship suffered by not granting variance, AND the rights of affected property owners.

The appellant presents information usually showing that the requested variance:

- A. Will not be contrary with the intent and purpose of the zoning ordinance.
- B. Will not cause a substantially adverse affect upon adjacent properties.
- C. Will relate only to the property under control of the appellant.
- D. Will not essentially alter the character of the surrounding area.
- E. Will not increase the hazard from fire, flood or similar dangers; and
- F. Will not increase traffic congestion

CITY OF SYLVAN LAKE
APPLICATION FOR AN APPEAL BEFORE THE ZONING BOARD

Name of **property owner** _____ Phone _____

Address of **property owner** _____

Address of **property seeking Variance** _____

Describe use or structure you are seeking approval for:

Describe the exact variance you are requesting from the zoning ordinance:

Please state below exactly why you are requesting this variance (a separate letter may also be attached):

Note: the application must include *photographs and an accurate plot plan (8 copies)* showing the existing site and a description of what is proposed; please draw the plot plan to scale. A certified property survey may be required for more complicated sites. A mortgage survey may not be acceptable.

By signing this document you are acknowledging that the Zoning Board of Appeals and City Staff may need to access your property prior to the hearing. This is to accurately assess your individual concerns and request. Inspections will be done at reasonable times of the day or evening.

If you would like advance notice of a ZBA member or staff entering onto your property please indicate that here. _____ YES, notify me prior to entering my property.

Regular Zoning Board of Appeals meeting: \$200 + \$75.00**

Special Zoning Board of Appeals hearing : \$375 + \$75.00**

Notice of publication (estimated, may be adjusted) ** \$75.00

Signature of Applicant _____ Date: _____

OFFICE USE ONLY

Zoning Classification: _____ Sidwell: _____

Applicable Zoning Ordinance Section: _____ Fee: _____

Property Address: _____