



APPLICATION FOR VARIANCE
 City of Seward
 Planning and Zoning
 P.O. Box 167, Seward, Alaska, 99664
 907-224-4048

This completed application is to be submitted to the Community Development Department no later than four (4) weeks in advance of the next regularly scheduled Planning & Zoning Commission meeting held the first Tuesday of each month.

Property Owner/Agent	Owner's Contractor(If Any)
Name:	Name:
	City of Seward Business License #:
Mailing Address:	Alaska Business License #:
	Contractor's License #:
Contact Phone:	Mailing Address:
	Contact Phone:
E-mail:	E-mail:
Property Information	
Size of Property:	
Property Tax #:	
Street Address:	
Legal Description: Lot (s)_____ Block_____ Subdivision_____	
OR Parcel/Tract___ Section_____ Township_____ Range_	
[Attach additional page if necessary]	
Zoning: <input type="checkbox"/> City Limits <input type="checkbox"/> Rural Residential (RR) <input type="checkbox"/> Single Family Residential (R1) <input type="checkbox"/> Two Family Residential (R2) <input type="checkbox"/> Multiple Family Residential (R3) <input type="checkbox"/> Urban Residential (UR) <input type="checkbox"/> Office Residential (OR) <input type="checkbox"/> Harbor Commercial (HC) <input type="checkbox"/> Auto Commercial (AC) <input type="checkbox"/> Central Business District (CB) <input type="checkbox"/> Industrial (I) <input type="checkbox"/> Institutional (INS) <input type="checkbox"/> Park (P) <input type="checkbox"/> Resource Management (R)	

The application must be accompanied by:

- Fee \$350.00
- As-Built Survey by a surveyor registered in the State of Alaska ((if already developed)
or
- Scaled site plan of undeveloped land which shows:
 - Property dimensions location and dimensions of existing and planned buildings
 - parking configuration driveways/access; natural features
 - variance requested other pertinent information

Applicant seeks a variance from the following general requirement(s):

A. Variance Request for Code Section(s)#: Code must be referenced

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B. The existing situation is:

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C. Granting this variance would permit:

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D. What structures are located on the property?

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E. What is the existing use of the property?

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F. What is the proposed use of the property?

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G. What is your development time schedule?

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The Planning & Zoning Commission may only grant a variance if the Commission finds all of the following conditions are met. Each condition must have a response in as much detail as it takes to meet the condition. Please use additional paper if there is not enough room here for your response. Failure to document your case reduces the likelihood of your variance being granted.

The Applicant hereby alleges that:

1. The proposed action is consistent with all of the general conditions required for a conditional use permit as follows:

A. The use is consistent with the purposed of the Zoning Code and the purposes of the zoning:

B. The value of the adjoining property will not be significantly impaired:

C. The proposed use is in harmony with the Seward Comprehensive Plan:

D. Public services and facilities are adequate to serve the proposed use:

E. The proposed use **WILL NOT** be harmful to the public safety, health or welfare:

2. Special conditions and circumstances exist which are peculiar to the land or structures involved and which are not applicable to other lands and structures in the same district. These special conditions are:

3. The special conditions and circumstances have not been caused by actions of the applicant in that:

4. Financial hardship or inconvenience shall not be a reason for granting a variance in that:

5. Other non-conforming land use or structures within the district shall not be considered grounds for granting a variance in that:

6. The variance granted is the minimum variance that will make possible a reasonable use of the land, building or structure in that:

7. Granting the variance will not permit a use that is not otherwise permitted in the district in which the property lies in that:

I hereby certify that all statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property: ___ Owner of record; ___ Lessee; ___ Contract Purchaser; ___ duly authorized to act for a person who has the following legal interest _____; and that the owner of record is knowledgeable of this application if I am not the owner. ***I understand that the variance fee is non-refundable to cover the cost associated with processing this application and that it does not assure approval of the variance.***

Owner or Agent

Date

PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

Office Use Only Below This Line

Fee \$350.00 Site Plan Location Map Fee As-Built Survey

**INCOMPLETE APPLICATIONS WILL NOT BE
ACCEPTED**

15.10.325. - Variances.

- (a) Intent. When the literal enforcement of this chapter would deprive a property owner of the reasonable use of his real property, a variance would allow for the relaxation of the development requirements of this chapter to provide relief.
- (b) Application. Application for a variance shall be filed with the city clerk. The application shall include, but is not limited to the following:
 - (1) All of the information required for a conditional use permit;
 - (2) A precise description of the variance requested, including the section, paragraph and sentence of this chapter from which the applicant wishes to deviate;
 - (3) A written item-by-item response to all of the conditions specified in this section; and
 - (4) The appropriate fee as established by city council resolution.
- (c) Public hearing. If the application is in order, a public hearing shall be scheduled in accordance with the requirements of section 15.01.040 of this title.
- (d) Review criteria. The commission shall establish a finding that all of the following conditions have been found to exist as a prerequisite to issuance of a variance permit:
 - (1) The proposed action must be consistent with all of the general conditions required for a conditional use permit;
 - (2) Special conditions and circumstances exist which are peculiar to the land or structures involved and which are not applicable to other lands and structures in the same district;
 - (3) The special conditions and circumstances have not been caused by actions of the applicant;
 - (4) Financial hardship or inconvenience shall not be a reason for granting a variance;
 - (5) Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance;
 - (6) A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure; and
 - (7) A variance shall not be granted which will permit a land use in a district in which that use is otherwise prohibited.
- (e) Approval resolution. At any time after the hearing required in section 15.10.325(c), the commission may adopt a resolution approving a variance provided that it includes findings of fact that the review criteria in 15.10.325(d) have been met. Upon adoption, the city shall cause a copy of the resolution to be posted for at least ten days in at least three public places within the city. An appeal of the commission's action may be made at any time until the resolution becomes effective. Unless rescinded, amended or appealed any resolution adopted under this chapter automatically becomes effective ten days after passage and posting.
- (f) Permit. An approved variance permit shall lapse six months from the date of approval if the variance for which the permit was issued has not been implemented. The commission may grant a time extension not to exceed six months upon finding that circumstances have not changed sufficiently since the date of initial permit approval. A request for extension must be submitted prior to the expiration of the permit. A public hearing shall not be required as a condition of granting the extension.

(Ord. 626, § 3, 1989; Ord. 98-06)

15.10.320. - Conditional use permits.

- (a) Intent. It is recognized that there are some uses which may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the impact of the proposed use on surrounding property, and the application of controls and safeguards to assure that the proposed use will be compatible with the surroundings. The commission shall permit this type of use if the conditions and requirements listed in this chapter are met. The allowed uses are listed in the land uses allowed table 15.10.225. Before a conditional use permit may be granted, the procedures specified in this chapter must be followed.

- (b) Applications. Applications for a conditional use permit shall be filed in writing with the city clerk. The application shall include but is not limited to the following:
- (1) Name and address of the applicant;
 - (2) Verification by the owner of the property concerned if other than the applicant;
 - (3) A legal description of the property involved;
 - (4) A description of the proposed use;
 - (5) Dimensioned plot plans showing the location of all existing and proposed buildings or alteration, and such data as may be required; and
 - (6) The appropriate fee as established by city council resolution.
- (c) Public hearing. If the application is in order, a public hearing shall be scheduled in accordance with the requirements of section 15.01.040 of this title.
- (d) Review criteria. Prior to granting a use permit, it shall be established that the use satisfies the following conditions:
- (1) The use is consistent with the purpose of this chapter and the purposes of the zoning district;
 - (2) The value of the adjoining property will not be significantly impaired;
 - (3) The proposed use is in harmony with the comprehensive plan;
 - (4) Public services and facilities are adequate to serve the proposed use;
 - (5) The proposed use will not be harmful to the public safety, health or welfare;
 - (6) Any and all specific conditions deemed necessary by the commission to fulfill the above-mentioned conditions shall be met by the applicant. These may include but are not limited to measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.
- (e) Approval resolution. At any time after the hearing required in section 15.20.320(c), the commission may adopt a resolution approving a conditional use permit provided that it includes findings of fact that the review criteria in section 15.10.320(d) have been met. Upon adoption, the city shall cause a copy of the resolution to be posted for at least ten days in at least three public places within the city. An appeal of the commission's action may be made at any time until the resolution becomes effective. Unless rescinded, amended or appealed any resolution adopted under this chapter automatically becomes effective ten days after passage and posting.
- (f) Modification of final approval.
- (1) An approved conditional use permit may, upon application by the permittee, be modified by the planning and zoning commission:
 - a. When changed conditions cause the conditional use to no longer conform to the standards for its approval.
 - b. To implement a different development plan conforming to the standards for its approval.
 - (2) The modification application shall be subject to a public hearing and a filing fee set by city council resolution.
- (g) Expiration; extensions; transferability.
- (1) An approved conditional use permit lapses six months after approval if no building permit is procured or if the allowed use is not initiated.
 - (2) The commission may grant time extensions not to exceed six months each upon a finding that circumstances have not changed sufficiently to warrant reconsideration of the approval of the conditional use permit. A request for an extension must be submitted prior to the expiration of the permit. A public hearing shall not be required prior to granting an extension of time.
 - (3) A conditional use permit shall automatically expire if for any reason the conditioned use ceases for a period of one year or longer.
 - (4) A conditional use permit is not transferrable from one parcel of land to another. Conditional use permits may be transferred from one owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.

(Ord. 626, § 3, 1989; Ord. 649, § 5, 1991; Ord. 94-56; Ord. 97-15; Ord. 98-06)

SITE PLAN
REQUIREMENTS

1. Drawing showing dimensions, including elevations, of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction—including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that an as-built survey be performed prior to submittal of the application.