



A **special exception**, similar to a variance, is a relaxation of the zoning requirements that may be granted by the Board of Adjustment. However, while granting a variance is subject to the “unnecessary hardship” test, a special exception is subject to the “practical difficulty” test. In order for the Board to grant a special exception, it must be demonstrated that strict compliance with the zoning requirements, as applied to your property, will result in a practical difficulty on the owner. There are several standards for approval that must be met in order for the Board of Adjustment to grant a special exception, but the primary standards are, and you must be able to demonstrate that:

“The practical difficulty is due to circumstances, unique to the property and that prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district. Such circumstances include but are not limited to topographical condition, surroundings, size, shape or other condition, location of public utilities or public improvements on or adjacent to the subject property, or other extraordinary or exceptional situation, and;

“A grant of the special exception... is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant....”

1 ZONING VERIFICATION/SITE PLAN REVIEW

You will submit a site plan with your permit applications. If your proposed structure does not meet all requirements of the Zoning Ordinance, the Zoning Verification/Site Plan Review cannot be approved. A non-refundable fee is charged for all Zoning Verifications/Site Plan Reviews.

2 SPECIAL EXCEPTION APPLICATION

You then have the option of applying for a Special Exception. You will be provided with a Special Exception application which must be submitted to the Department, along with a *non-refundable* fee. (Please consider the standards for approval, particularly those listed above, carefully before deciding to apply for a special exception.) Application deadlines and meeting dates will be provided to you by the staff. At the time of application, you will be given flags to mark your property lines and the location of your proposed structure. Planning & Development staff assigned to your case will visit your site, and the flags are helpful to identify exactly where you are proposing to locate your structure.

After the application has been submitted, zoning staff will place a minimum of one sign on your property and take pictures of the site. These signs must be visible to the traveling public, posted at least 15 days prior to the Board of Adjustment meeting and remain in place until the case is approved or disapproved by the Board of Adjustment.

As a courtesy, owners of property within 500 feet of your property will also be notified by letter of the date, time and place of the Board of Adjustment meeting. They will have an opportunity to express support or opposition to the proposal at the Board of Adjustment meeting. However, the Board's decision must be based on the standards for approval; neighbor support or opposition is not a determining factor.

3 PRIOR TO THE BOARD OF ADJUSTMENT MEETING

You will receive by mail a letter notifying you of the date, time and place of the Board of Adjustment meeting, along with a copy of the staff report. Read the entire staff report carefully as soon as you receive it. The staff report provides the staff review and recommendation on your request, and also contains conditions to be met if the Special Exception is approved by the Board of Adjustment. Your surveyor, if applicable, will also receive a copy of the report.

It is important that you work closely during this entire process with all departments involved in the review process to ensure that all the conditions (requirements) outlined in your staff report are met. If you have questions, need clarification, or want modification to any of the conditions, please contact the individual department member under which that condition is listed. The department contact name and phone number are included in the report.

4 BOARD OF ADJUSTMENT PUBLIC HEARING Last Wednesday of the month @ 6:30 p.m.*

At this hearing, Planning & Development staff will review the staff report and recommendation with the Board of Adjustment. You or your representative will then have an opportunity to present your proposal to the Board of Adjustment. Public comment will also be taken. The Board of Adjustment makes the final decision to grant or deny your Special Exception, based on the Unified Development Code Article IV, Section 107-74.

*** Meeting dates may vary. You will be notified of the actual meeting dates after the application has been received.**