

## **City of Cascade**

### **Board of Adjustment Hearing Procedures**

1. Applicant submits an application and pays the \$150 hearing fee for a hearing before the Zoning Board of Adjustment. The application states the nature of the request, the property or structure it pertains to, and the requested action by the Board of Adjustment.
2. A date set for the public hearing before the Zoning Board of Adjustment. Notice of the hearing date must be published in the newspaper of general circulation 7 days prior to public hearing. All property owners within 200 feet of the property are notified of the hearing date, time and place.
3. Board of Adjustment reviews the request in accordance with the Cascade Zoning Ordinance and approves or denies the request. Decisions of the Zoning Board of Adjustment are final and can only be appealed in a court of law.
4. Zoning Administrator notifies all parties and property owners affected by the request the decision of the Zoning Board of Adjustment.

### **Application Instructions**

1. The APPLICATION FORM must be filled out completely in **BLUE ink** with full answers to every statement and question. The application may not be signed by an agent or attorney, but must be signed by the lessee, owner, or owners.
2. The FILING FEE required in the amount of \$150 must be paid at the time of filing application. This fee only partially covers the extra cost to the City of investigating and processing the application through its various stages.
3. PLANS REQUIRED FOR SPECIAL PERMIT OR VARIANCE APPLICATION. Each application must be accompanied by an accurate plot plan drawn to scale. Such plan shall show a North arrow, the location, size shape, height and use of all existing buildings (if any) and all proposed buildings and the width and depth of existing or proposed yards and courts on the property involved. Where possible such plan should show the location and height of buildings and width of yards on adjoining properties having a bearing on the requested variance. If a building is involved, a sketch plan, or accurate description of the same must accompany this application including **depiction of the property lines**. If floor plans and elevation plans have been completed, they should also be submitted. When the application is for a variance from the height regulations, accurate and complete drawings of all exterior elevations of the proposed building including penthouses and other roof structures shall be submitted. Such elevation drawings must be to scale
4. PHOTOGRAPHS REQUIRED FOR SPECIAL PERMIT OR VARIANCE APPLICATION. Photographs OF THE PROPERTY INVOLVED NOT OVER 8½ x 11 inches but of adequate size to illustrate the condition of the property under discussion are always helpful and are requested as exhibits with this application.
5. When all above listed requirements are met, file application, plans and other exhibits with the Zoning Administrator of Cascade and pay the filing fee. The application must be complete in every respect, with ALL questions and demands answered before the staff can received and certify the Application.
6. The Zoning Administrator may provide assistance in filling out the application form and presenting the required data.

Board of Adjustment Hearing Application  
City of Cascade

Hearing No.: \_\_\_\_\_

Hearing Fee: \_\_\_\_\_

1. Name and address of applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Phone Number)

2. Nature of the Request: \_\_\_\_\_ Interpretation and review of decision of zoning administrator.  
(Check which applies) (Complete Section I of Application)

\_\_\_\_\_ Special Use or Exception Permit as required by the Zoning Ordinance. (For Solar Energy Systems)  
(Complete Section II of Application)

\_\_\_\_\_ Variance to a requirement of the Zoning Ordinance.  
(Complete Section III of Application)

3. Location and dimensions of property: \_\_\_\_\_  
(Street Address)

\_\_\_\_\_ (Width, Depth, and Area in sq. ft.)

4. Legal description of property: \_\_\_\_\_  
(Lot Number (s), Block Number (s), Subdivision Name)

5. Present zoning classification: \_\_\_\_\_  
(Example A-1, R-1, C-2, M-1)

6. Existing and Proposed Uses of the Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Attach a plat showing the location, dimensions, and use of the property and all property within 200 feet thereof including streets, alleys, and other prominent physical features.

6. Attach the names and addresses of all property owners within 200 feet of property to be re-zoned.

7. Signature and date: \_\_\_\_\_ (Applicants or Property Owners Signature) \_\_\_\_\_ (Date)

8. Application Fee \$150.

**SECTION 1**

REQUEST FOR INTERPRETATION and review of decision of Zoning Administrator.

1. Section of Zoning Ordinance interpretation is requested for: \_\_\_\_\_

2. Narrative statement regarding nature of error claimed by applicant: \_\_\_\_\_

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**SECTION II**

REQUEST FOR SPECIAL EXCEPTION as required by Section \_\_\_\_\_ of the Cascade Zoning Ordinance.

1. What is the proposed Special Exception (attached plat plan)? \_\_\_\_\_

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2. How will the proposed Special Exception be compatible with adjacent properties and other properties in the zoning classification district?

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3. The Special Exception will not be detrimental to the character of the neighborhood because:

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**SECTION III**

REQUEST FOR VARIANCE of Section \_\_\_\_\_ of the Cascade Zoning Ordinance under which the Zoning Administrator refused to issue a permit.

1. What is the nature of the variance request: \_\_\_\_\_  
(Example: cannot meet setback requirements, cannot meet height restrictions, etc.)

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2. Applicant is unable to make reasonable use of his/her property for the following reasons.

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3. The requested variance will not alter the essential character of the neighborhood for the following reasons:

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4. The proposed variance requested will continue to maintain the purposes and intent of the zoning classification district and adjacent properties for the following reasons:

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## Supplemental Variance Questions

1. Please explain how the narrowness, shallowness, irregular shape, topography, and/or natural characteristics of your lot prevents lawful location of your proposed development on the lot i.e.
2. Explain and show how the requirement to maintain the required setbacks is a physical hardship upon you and denying you reasonable use of your property.
3. Explain and show how the hardship identified above is not one created or caused by your own doing.
4. Explain and show that there are no other reasonable options for placing the structures you want to build on your lot that meets the required setbacks.
5. Explain and show that the variance you are requesting is the minimum necessary to permit reasonable use of your property.

6. Explain and show how your variance request will not be contrary to the intent of the Zoning District you are in.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
7. Explain and show how your variance request will not cause a substantially adverse effect upon adjacent properties – like lowering property values, creating something that does not fit into the neighborhood, creating a neighborhood eyesore, creating a commercial use in the R-1 district, etc.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
8. Explain and show how your variance request will not alter the essential character of the surrounding area.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
9. Explain and show how your variance request will not increase the hazard from fire, flood, poor visibility at street intersection, or other similar dangers.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
10. Explain and show how your variance request will not increase traffic congestion or exceed the traffic carrying capacity of the streets serving the area.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
11. Explain and show how your variance request will not produce nuisance conditions to the occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibrations, smoke or lights.