

# INSTRUCTIONS TO APPLICANTS FOR VARIANCES

Missouri Statute (§89.090 RSMo 1992) allows a Board of Adjustment to grant variances from the strict letter of the zoning ordinance regarding the construction or alteration of buildings. The Board no longer has the power to grant use variances. You should be aware of the standards the Board will use when considering your application for an area or non-use variance because you will have the burden of proving that these conditions exist in your particular situation. If you do not understand the following standards or need help in presenting your case, you should contact an attorney.

**AREA OR NON-USE VARIANCE:** An area or non-use variance has to do with construction or alteration of buildings and does not relate to the use of the building or property. Examples of area variances include yard setback, height, required lot size, etc. The requirements for an area variance have been developed by the courts in considering these requests. For the Board to grant an area variance, you must show that you have a practical difficulty in obeying zoning requirements by presenting evidence of each of the following:

- A. The reason you need the variance is because of the unique characteristics of the land itself;
- B. The reason you need the variance is not because of something you did to create the problem;
- C. The reason you need the variance is not the same for surrounding prope