







## Planning & Zoning Commission / Board of Adjustment Application Notes

**The applicant and/or representative MUST attend the meeting or the request will be postponed to the next regularly scheduled meeting.**

- \* A meeting schedule, which includes application submittal deadline dates, is posted on the Planning & Development Department homepage at [www.bransonmo.gov](http://www.bransonmo.gov) or available upon request. No applications will be accepted if incomplete or submitted after deadline date.
- \* The “applicant” is the person or persons making the request of the Commission.
- \* The “owner” is the owner of the subject property.
- \* The “agent” is anyone representing the applicant and/or owner.
- \* The owner’s signature must be an original signature, not a photocopy or fax.
- \* The legal description must be either a lot, block and subdivision description or a complete metes and bounds description.
- \* Copies of any covenants or deed restrictions pertaining to the subject property must be provided to the Planning Division.
- \* For proof of ownership, attach a copy of the owner’s WARRANTY DEED or DEED OF TRUST. QUIT CLAIM DEEDS are not acceptable.
- \* Site plans as requested must be accurate and to scale. Applicant must include an 11 X 17 copy.
- \* All building and structures must meet city adopted building codes and regulations. Please contact the Building Division, (417) 337-8547, for specifics.
- \* Copies of the staff report and proposed resolution concerning your request will be available for pick up in the Planning Division office three (3) working days prior to the meeting.

The Planning Division, (417) 337-8544, will be glad to answer any questions you may have or put you in touch with other necessary City departments.

### **Section 425.030. Appeals to the board.**

A. Appeals to the board of adjustment concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the director of planning and development or planning and zoning commission. Such appeals shall be taken within a reasonable length of time, not to exceed 30 days, or such lesser period as may be provided by the rules of the board, by filing with the director of planning and development a notice of appeal specifying the grounds thereof. The director of planning and development shall forthwith transmit to the board a copy of the record of the action being appealed.

B. The board shall fix a reasonable time for the hearing of appeal, give seven days' public notice thereof as due notice to the interested parties, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

C. An appeal stays all proceedings in furtherance of the action appealed from, unless the director of planning and development certifies to the board after the notice of appeal is filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, or notice to the director of planning and development from whom the appeal is taken and on due cause shown.

(Code 1988, § 425.030; Code 1996, § 425.030; Ord. No. 682, § 1, 7-22-1985)

## Section 425.040. Powers and duties.

The board of adjustment shall have the following powers and duties:

1. *Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, interpretation, or determination made by the director of planning and development in the enforcement of this title [appendix].

2. *Variances--conditions governing applications, procedures.* To authorize upon appeal in specific cases such variance from the bulk or area regulations of this title [appendix], as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title [appendix] would result in unnecessary hardship. A variance from the terms of this title [appendix] shall not be granted by the board unless and until:

a. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district;

(2) That literal interpretation of the provisions of this title [appendix] would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title [appendix];

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title [appendix] to other lands or structures in the same district.

No nonconforming use of neighboring lands or structures in the same district, and no permitted or nonconforming use of land or structures in other districts shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be given as is outlined in the proceedings of the board of adjustment.

c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

d. The board of adjustment shall make findings that the requirements of subsection (2) (a) above have been met by the applicant for the variance.

e. The board of adjustment shall further make a finding that the granting of the variance is the minimum variance that will make possible the reasonable use of the land or structure.

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title [appendix]. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title [appendix] and punishable under section 435.010 of this code.

3. *The board has powers of administrative officials on appeals--reversing of administrative official.* In exercising the above-mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this title, reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decisions, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title [appendix], or to effect any variation in the application of this title [appendix].

(Code 1988, § 425.040; Code 1996, § 425.040; Ord. No. 682, § 1, 7-22-1985; Ord. No. 98-044, § 1, 4-27-1998;  
Ord. No. 2002-001, § 1, 1-14-2002)