

Chapter 158, Section 158.297  
(Variance & Appeals)

City initiated Text Amendment  
P21-098

City Council Meetings  
February 14, 2022 and February 28, 2022



# Section 158.297 – Application For Variance

An applicant is not eligible to submit a variance petition if they do not meet the eligibility criteria specified in Section 158.297 of the Code of Ordinances.

## Current Application Limitations:

1. No application for a variance shall be accepted for filing if all or any portion of the land which is the subject of the application was part of a previous application meeting any of the following conditions:
  - a. An application denied by the Planning and Zoning Board or by the Zoning Administrator for the same variance within the previous 12-month period, where the applicable circumstances relating to the variance have not changed;
  - b. An application allowed to be withdrawn by the Planning and Zoning Board or by the Zoning Administrator within the previous 12-month period and relating to the same variance, where the applicable circumstances relating to the variance have not changed.



# Request

- The City Council has directed staff to amend the code so that a variance is not requested when the circumstances are unchanged.
- Amend the procedure for submitting variance applications and appeal filings to include an additional application limitation.

## Proposed Application Limitation:

- c. An application denied by the Board of Zoning Appeals, Planning and Zoning Board, or by the Zoning Administrator for the same variance within the previous 12-month period, where the applicable circumstances relating to the variance have not changed, if a condition was imposed to comply by a scheduled date that is greater than 12-months. No application shall be accepted until the compliance period has concluded.



# Recommendation

- On January 4, 2022, the Planning and Zoning Board recommended approval of the proposed Text Amendment.

