

**PETITION TO
THE CITY OF WAHPETON BOARD OF ADJUSTMENT
WAHPETON, NORTH DAKOTA 58075**

I, _____
(NAME) (MAILING ADDRESS)

am the owner of the following described property in the City of Wahpeton, ND:

(ADDRESS OF PROPERTY WHERE VARIANCE IS BEING REQUESTED)

_____, _____, _____
(LOTS) (BLOCK) (ADDITION)

The present zoning of the property is _____.

Set back requirements are:

FRONT YARD ____ FT. REAR YARD ____ FT. SIDE YARD ____ FT.

VARIATION REQUESTS ONLY

(a) Submit an accurate scale drawing of the site, showing easements, shape and dimensions of the lot, existing and proposed locations of streets, property lines, uses, structures, building heights, floor area, access, pedestrian walks, refuse areas, off-street parking and loading spaces, landscaped areas, fences and walls; submit the originals and six copies and any additional information required by the Board of Adjustment.

(b) Indicate how proposed use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area, and will be more injurious, economically or otherwise, to property or improvements in the surrounding area than any use permitted in the district.

**BEFORE ANSWERING THE FOLLOWING QUESTIONS PLEASE READ THE
NOTICE TO APPLICANTS FOUND ON THE LAST SHEET:**

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

- ____ Too Narrow ____ Elevation ____ Too Shallow
____ Too Small ____ Slope ____ Shape

Describe the items checked, giving dimensions where appropriate: _____

2. How do the above conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? _____

3. Are the conditions on your property the result of other man-made changes?

_____ Yes (If yes, describe below) _____ No

Example: (Such as the relocation of a road or highway). _____

4. Which of the following types of modifications will allow you a reasonable use of your land?

_____ Change of setback requirements _____ Change in lot-coverage requirements
_____ Change in side yard restrictions _____ Change in off-street parking requirement
_____ Change in area requirement _____ Other (Describe) _____

5. The Variance (s), I am requesting is/are _____

6. Are the conditions of hardship for which you request a Variance true only for your property?

_____ Yes _____ No, if no, how many other properties are similarly affected? _____

7. **APPLICABLE ONLY FOR CONDITIONAL USES OR VARIATION REQUEST.**

Following are the signatures and addresses of surrounding property owners from the property in question for a distance of 150 feet or directly adjacent to, whichever is greater.

NAME

ADDRESS

I hereby swear that the above statements are correct to the best of my knowledge.

Date _____

Signed _____
OWNER OR PERSON SUBMITTING THIS PETITION

NOTICE TO APPLICANTS

A Variation is a zoning adjustment, which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of Variation is limited to the minimum change necessary to overcome the inequality inherent in the property. **Use Variations are specifically prohibited.** "Variation" means the modification of the requirements of a zoning district and does not include the substitution to other districts.

1. A variation recognizes that the same district requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. ***These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance.*** Where hardship conditions extend to other properties a Variation cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Ordinance.
2. ***You must prove that the combination of the Zoning Ordinance and the uncommon conditions if your property prevents you from making any reasonable use of your land as permitted by your present zoning district.*** Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variation:
 - (1) **Proof that a Variation would increase the financial return from the land**
 - (2) **Personal hardship**
 - (3) **Self-imposed hardship**

In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violations of the law.

3. No Variation may be granted which would adversely affect surrounding property or the general neighborhood. All Variations must be in harmony with the intent and purposes of the Zoning Ordinance.

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

_____ Zoning Certificate Issued _____ Zoning Certification Denied

Permit Number _____ Date _____

Cause of Denial: _____

The Board of Adjustment meets at 5:15 pm, the 2nd and 4th Tuesday of each month when necessary. The petition must be in city offices the Tuesday before the scheduled meeting. A \$50.00 fee must be paid with the petition.