



## CITY OF MILLS PETITION FOR VARIANCE

Pursuant to the Mills City Code



City of Mills, Wyoming  
704 4<sup>th</sup> Street (Physical address)  
P.O. Box 789 (Mailing address)  
Mills, Wyoming 82644

Date: \_\_\_\_\_

Return by: \_\_\_\_\_

For Meeting on: \_\_\_\_\_

### PLEASE PRINT

#### **APPLICANT/OWNER(S) INFORMATION:**

Print Owner Name: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Owner Phone: \_\_\_\_\_

Applicant Email: \_\_\_\_\_

#### **AGENT INFORMATION:**

Print Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Agent Phone: \_\_\_\_\_

Agent Email: \_\_\_\_\_

#### **ATTACHMENT (REQUIRED):**

- **Proof of ownership:** \_\_\_\_\_  
(such as deed, title certification, attorney's title opinion)
- **Plot Plan:** \_\_\_\_\_ (A plot plan is required showing existing and proposed construction, including dimensions and setback distances.)

#### **PROPERTY INFORMATION:**

Subject property legal description (attach separate page if long legal): \_\_\_\_\_

Physical address of subject property (if available): \_\_\_\_\_

Size of lot(s) \_\_\_\_\_ sq. ft/acres:

Current zoning: \_\_\_\_\_ Current use: \_\_\_\_\_

Intended use of the property: \_\_\_\_\_

Zoning within 300 feet: \_\_\_\_\_ Land use within 300 feet: \_\_\_\_\_

#### **VARIANCE JUSTIFICATION SUMMARY:**

The basis and justification for this petition is (see items a – e on page 2):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**SIGNATURE(S):**

The following owner's signature signifies that all information on this petition is accurate and correct to the best of the owner's knowledge; and that the owner has thoroughly read and understands all petition information and requirements. [In addition to the owner's signature(s), if an agent of the owner is also to be notified and/or contacted for all communications relating to this application, please have the agent sign below.]

I (We) the undersigned owner(s) of the property described above do hereby petition the City of Mills as follows:

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OWNER Signature \_\_\_\_\_

OWNER Signature \_\_\_\_\_

AGENT Signature \_\_\_\_\_

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**Fee: \$100.00 (non-refundable)**

The Planning and Zoning Board is required to determine Findings of Fact and Conclusions of Law. No exceptions to the Ordinance shall be granted by the Board unless it finds that:

a. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property; or other circumstances where the landowner establishes that a hardship exists on the affected property:

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b. The hardship is due to unique circumstances and that the difficulties facing the applicant are different from those of neighboring properties because:

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c. The variance will not authorize a use other than those uses specifically listed as permitted or conditional uses in the zoning district in which the variance is sought because:

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d. The variance will not result in a gain in use, service or income for the applicant to a greater extent than available to other landowners in the vicinity because:

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e. Granting the variance will not merely serve as a convenience for the applicant but is necessary to alleviate a proven hardship related to the property because:

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**Note: For Office Use Only: Signature verified.** \_\_\_\_\_ **Proof of ownership provided.** \_\_\_\_\_ **Fee Paid: \$** \_\_\_\_\_

**How Paid:** \_\_\_\_\_ **NOTES:** \_\_\_\_\_

**CITY OF MILLS  
PETITION FOR ZONE CHANGE  
VARIANCE  
SPECIAL REVIEW PERMIT**

**Date:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_

**Subject property owner information (Please Print):**

**Name:** \_\_\_\_\_ **Mailing Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Subject property legal description:** \_\_\_\_\_

**Total number of owners within 300 feet of the subject property:** \_\_\_\_\_

**Does the total number of signatures represent 50% of the Owners of Record? (as shown in the County records):** Y N

We, the undersigned owners of the property located within a 300 foot radius of the subject property, favor granting the requested (circle one) variance - zone change - special review permit by the City of Mills.

	OWNER OF RECORD (PRINTED NAME)	OWNER OF RECORD (SIGNATURE)	ADDRESS	LOT	BLOCK	CFD (if recorded)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

We, the undersigned owners of the property located within a 300 foot radius of the subject property, favor granting the requested (circle one) variance - zone change - special review permit by the City of Mills.

	OWNER OF RECORD (PRINTED NAME)	OWNER OF RECORD (SIGNATURE)	ADDRESS	LOT	BLOCK	CFD (if recorded)
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						

# **CITY OF MILLS PETITION FOR VARIANCE**

Pursuant to the Mills City Code

## **Title 18**

### **Variances**

- A. The City Council shall have the authority, in specific instances and on petition of the landowner, to grant a variance from the provisions of this Ordinance; when, owing to special conditions a literal enforcement of the provision of this Ordinance will result in unnecessary hardships. Such variation of the provisions of the Ordinance shall be determined by the City Council to not be contrary to the public interest and that the spirit of the Ordinance shall be observed and substantial justice done.
- B. The City Council shall have the authority to vary or adjust the provisions of the Ordinance with the exception that variances may not be granted to allow non-conforming uses in any district.
- C. The Council may grant a variance in the instance of:
  - 1. Unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property;
  - or
  - 2. Other circumstances where the landowner establishes that a hardship exists on the affected property.
- D. The Council may grant a variance only if it makes findings that substantial compliance with the following is established:
  - 1. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property;
  - or
  - 2. That there exist other certain circumstances or conditions peculiar to the property. And because of such circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the Zoning Ordinance.
- E. The Council must make findings that:
  - 1. Such unnecessary hardship has not been willfully created by the applicant;
  - 2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property;
  - 3. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question.
- F. In the instance where unusual hardship is claimed, other than that created by unique physical circumstances, a variance may be granted only after substantial compliance is established with one

or more of the criteria established in Paragraphs D and E and only on the affirmative vote of at least 4 council members. The burden of establishing a unique hardship and compliance with necessary criteria shall be the petitioner's.

G. Upon request to grant variances where it has been shown that an illegal construction or non-conforming building or use has existed for a period of at least five years in violation of this chapter and the City has not taken steps toward enforcement, the Council may grant a variance to the applicant.

H. Application for Variances:

All Applicants for a variance shall follow the procedures for Zone Change Requests as outlined below, and hearing of variance petitions shall be in accordance with this Section.

1. The owner(s) of interest of property shall submit a petition to the City Planner requesting a variance. The Planner shall verify that the petition contains the following information:
  - a. Legal description of the subject property;
  - b. Existing zoning districts applicable to the property;
  - c. Signature(s) of the owner(s) of the property;
  - d. Names, addresses and signatures of a minimum of 50% of the owners of record (as shown by County records) of real property within 300 feet of the subject property.
    - The signing of the petition indicates the owner favors the variance.
    - No signature may be withdrawn from a petition.
2. The City Planner, after verifying completeness of the petition shall forward the petition to the Zoning Board for review.
3. Hearing: Upon receipt of a variance petition from the City Planner, the Zoning Board shall, at its next regular meeting, establish a date of public hearing to hear evidence and information on the petition.
4. Notice of Hearing:
  - a. The Zoning Board shall publish notice of the date, time, and place of hearing and summary of the petition for variance in a newspaper of general circulation within the City. Such notice shall be published at least 15 days prior to the date of such hearing.
  - b. A notice reciting the variance applied for and directing further inquiry to the City Planner, shall be posted at least fifteen days prior to the hearing on the property proposed for variance along the part thereof fronting a public street.
  - c. A written notice of the public hearing shall be sent by first class mail at least fifteen days prior to the date of the hearing to owners of property within the area proposed for the

variance and to either an owner or to an occupant of each separately owned property adjacent within 300 feet of the area proposed for variance.

- d. Such notice, by posting and by mailing, is for convenience of the public only, and any omission thereof or defect therein shall in no way impair the validity of the proceedings for the proposed variance.
5. **Zoning Board Review:** The Zoning Board, after the public hearing thereon, shall make an advisory report to the City Council, recommending action on the petition. Any proposed variance or change initiated by the Council shall be referred to the Zoning Board for review. Any variance proposed by the Zoning Board shall be made to the Council as a recommendation accompanied by an advisory report.
6. **Nature of review:** The Zoning Board reviews each variance petition for conformity with the Land Use Plan and the effect of the variance on the stated intent of this Ordinance and established district.
7. **Procedures before City Council:** After receiving the advisory report from the Zoning Board, the City Council shall hold a public hearing before acting on the variance petition. Notice of the time, date, and place of the hearing shall be published by the City Clerk, at least fifteen days prior to the hearing, in a newspaper of general circulation within the City.
8. **Action by Council:** The City Council shall, after conducting a public hearing on the variance petition, approve or deny the petition.

### **Non-Conforming Use**

#### General Provisions:

If for any reason other than seasonal agricultural or residential use, any non-conforming use, or use of any non-conforming building or lot is discontinued for a period of more than 180 days, any future use of the building or lot shall conform with the provision of this Ordinance.