

City of Waveland
Application for Variance

Section 904. Applying for a Variance

Applying for a Variance: To apply for a variance from the terms of the Zoning Ordinance, the applicant must submit the following:

1. **Letter stating what is being requested and what type of development is proposed.**
2. **Two (2) copies of plot plan detailing existing structure, proposed development and encroachment, dimensions of property, location of all streets bordering property, and the names and mailing addressed of all property owners adjacent to side of property affected.**
3. **A fee of Seventy-five (\$75.00) Dollars, payable in advance to help defray the expense of advertising and processing.**

Typically the Planning and Zoning Commission meets on the last Monday of the month. Please call the Building and Zoning Office for submittal deadlines and the dates of the Meetings. You can also go the City of Waveland website at: <http://waveland.ms.gov/administration/planning-and-zoning/>. **Please remember that the Planning and Zoning Commission is a recommending body. The case will go the Board of Alderman at their next regularly scheduled meeting for final action on the variance request.**

Date of Application: _____

Name of Applicant: _____ Phone#: _____

Applicant Signature: _____ Date: _____

Property (Physical Address(s) or Parcel #(s)) _____

Current Zoning of Property: _____

Proposed Variance: _____

Please review the items below regarding what the Planning and Zoning Commission will consider, and if applicable address any of the items in your letter).

Section 906. Power and Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the following powers and duties:

906.1 To recommend in special cases such variances from the terms of this Zoning Ordinance as will not be contrary to public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Zoning Ordinance shall not be recommended by the Planning and Zoning Commission 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, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 2. That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
 3. That 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 Zoning Ordinance to other lands, structures, or buildings in the same district.
- B. A public hearing shall be held after giving at least fifteen (15) days notice of the hearings in an official newspaper specifying the time and place for said hearing.

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- C. The Planning and Zoning Commission may find in specific cases such variances from the terms of this Zoning Ordinance may not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be recommended in such case of unnecessary hardship upon a finding by the Planning and Zoning Commission that all of the following conditions exist:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
 2. A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 3. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
 4. The requested variance will be in harmony with the purpose and intent of this Zoning Ordinance and will not be injurious to the neighborhood or to the general welfare.
 5. The special circumstances are not the result of the actions of the applicant.
 6. The existence of a non-conforming use of neighboring land, buildings or structures in the same district, or non-conforming uses in other districts shall not constitute a reason for the requested variance.
 7. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
 8. The variance is not a request to permit a use of land, building or structures which are not permitted by right or by conditional use in the district involved.
 9. Notice of public hearing shall be given as in section 906.1.B.

The Fee for a Variance Application is \$75.00 and is non-refundable regardless of approval or denial.

If you have any questions regarding submitting your application please contact:

David Draz
Building Office Manager and Zoning Official
(228) 466-2549
ddraz@waveland-ms.gov