Date Received: _____
Received By: _____

CITY OF
GERMANTOWN
TENNESSEE
1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

BOARD OF ZONING APPEALS
OFFICIAL APPLICATION FORM

1. Date of Application: _____

2. Action Requested (Circle one): Variance Use on Appeal Interpretation

3. Address of property where action is requested: _____

4. Briefly explain the specific action requested (e.g. "variance from required front yard setback in an "R" zoning district", or "variance to allow fencing to exceed six feet in height"):

5. Name of person submitting this request: _____

6. Is this person the (circle one): Owner Agent/Representative Attorney

7. Address of person submitting request: _____

8. Telephone Number of person submitting request: _____

9. Email Address of person submitting request: _____

11. Name and address of all property owner(s): _____

12. In the space below, describe the reasons for submitting the identified request. **Include in the explanation the reason(s) why there is not another solution or why it cannot be accomplished in compliance with the Ordinance.** Attach additional sheets if necessary.

PLEASE NOTE: THE INFORMATION LISTED BELOW MUST BE PROVIDED OR YOUR APPLICATION MAY BE DEEMED INCOMPLETE

13. If a **variance is requested**, provide the following required information below to best of your ability.

The Board of Zoning Appeals has the following powers: (Section 23-49)

> Where, by reason of ***exceptional narrowness, shallowness or shape*** of a specific piece of property or by reason of ***exceptional topographic conditions*** or ***other extraordinary and exceptional situation or condition of such piece of property,*** the strict application of any provision of this chapter would result in ***peculiar and exceptional practical difficulties*** to or ***undue hardship upon the owner*** of such property, to authorize upon appeal relating to the property a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. ***Financial disadvantage to the property owner is not sufficient proof of hardship.*** [Emphasis added]

This application for a variance is based on the condition(s) checked below (check all that applies):

1. **<u>Condition of property:</u>**

_____ Exceptional narrowness, shallowness, or shape
(Describe in the box below if checked)

_____ Exceptional topographic conditions
(Describe in the box below if checked)

_____ Other extraordinary and exceptional situation or condition of the piece of property
(Describe in the box below if checked)

2. **Resulting in:**

_____ Peculiar and exceptional practical difficulties
(Describe in the box below if checked)

_____ Undue hardship upon the owner
(Describe in the box below if checked)

14. <u>Ownership Shares in Project (if applicable).</u>

A. If the owner of the land which is the subject of this Application (including all owners, lessees and developers) is a for-profit entity, i.e. individual, sole proprietor, general partnership, limited partnership, corporation, limited liability company, R.E.I.T., a trust, or any other form of for-profit business entity or a non-profit entity, the authorized representative of the Owner must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Owner. (If another business entity owns 10% or more of the ownership interests in the Owner, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Owner, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Owner / President or Equivalent: _____

Persons or Entities* Owning
10% or More of the Ownership
Interests of the Owner:

Name	Business <u>or</u> Home Address
_____	_____
_____	_____

***See language in parenthesis above.**

B. Not for Profit Entities. If the applicant submitting the Application (including all owners, lessees and developers)is a not for profit entity, the authorized representative of the Applicant must list below the name and business or home address of the President (or equivalent chief executive officer) and the members of its board of directors:

Applicant: _____
Address: _____

President or Equivalent
Chief Executive Officer: _____

Members of the Board of Directors of the Applicant:

Name	Business <u>or</u> Home Address
_____	_____
_____	_____
_____	_____
_____	_____

15. <u>Certification</u>

Sign the following statement and indicate owner, agent or attorney.

I, _____, (owner), attest to the best of my knowledge that the items submitted above are correct and accurate.

I, _____, (agent or attorney), attest to the best of my knowledge that the items submitted above are correct and accurate.

Note that approval of the application is based upon information provided herein and any change in this information including any change in ownership interests of the subject real property, after filing the application may result in reconsideration of any approval.

The Applicant/Owner/Lessee acknowledges and agrees that if the developer of a project is not the owner of the subject real property, the owner/lessee and developer shall be required to join in the project development contract with the City and the obligations of the project development contract shall be the joint and several obligations of the developer, owner, and lessee.

BOARD OF ZONING APPEALS CHECKLIST OF REQUIRED MATERIALS

Please Note: A CD with the required materials as listed below, in .jpg and PDF format must be included with all submission packages

☐ 1. The Official Application Form

One (1) complete copy written clearly or typed ***(All information requested on the form must be provided or your application will be deemed incomplete and will not be accepted by staff)***

☐ 2. Site Plan

a. Requirements for a Variance Request:
Sixteen (16) prints or copies drawn to scale with all relevant dimensions marked. The following information must be shown on the site plan (if applicable to the request):

1. Existing roads
2. Building setback lines
3. Location of all structures, existing and proposed
4. Location of all easements
5. Proposed curb cuts, drives, and parking areas
6. Landscaped buffer areas and planting screens to protect adjoining property
7. Proposed exterior lighting
8. Other information as determined by staff

b. Requirements for a Use on Appeal Request:
Prior to the establishment of any use permitted on approval of the Board of Zoning Appeals, the applicant shall submit sixteen copies of a site plan showing the development concept for the tract. The site plan shall:

a. Be drawn to a scale of one inch equals 100 feet; and
b. Include, at a minimum, the following information on the site plan:
   1. Existing roads.
   2. The zoning of adjacent tracts.
   3. Proposed curb cuts, drives, parking areas and drainage.
   4. The names of the owners of all adjoining lots or tracts.
   5. Building lines and the location of all structures.
   6. Landscaped buffer areas and planting screens to protect adjoining property.
   7. Proposed lighting and measures taken to prevent its adverse impact on adjoining property.
   c. Provide additional information on the proposed use, as determined by staff.

Note: Applicants for a variance on a single-family residential property may substitute a current copy of a signed and sealed lot survey for the site plan. Proposed items such as swimming pools or accessory buildings that are associated with the request must be drawn to scale and labeled on the survey.

☐ 3. List of Names and Addresses

One (1) complete list of names and mailing addresses, on gummed labels, including zip codes, of all property owners within 300 feet of the property in question shall be included. One plain paper copy of the list should also be submitted. If the action requested from the Board of Zoning Appeals is a Use on Appeal, the list of names and addresses shall be expanded to 500 feet. Property owner information is available through the Shelby County Assessor's web site at http://www.assessor.shelby.tn.us or by contacting the Shelby County Assessor's office at 901-545-4204.

☐ 4. Fees *

All checks should be made payable to the City of Germantown. ***All fees are non-refundable.***

Request	Fee
Variance:	
Residential	$150.00
Non Residential	$200.00
Use on Appeal	$300.00

**** All fees effective July 1, 2009***

☐ 5. Correspondence from building official or code enforcement officer (if applicable).

One (1) copy of any applicable rejection slip, stop work order, or other correspondence received from the Memphis & Shelby County Office of Construction Code Enforcement or the City of Germantown Office of Code Enforcement.

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT FROM STAFF**