



CITY OF GERMANTOWN TENNESSEE

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

Date Received: _____
Received By: _____

BOARD OF ZONING APPEALS OFFICIAL APPLICATION FORM

1. Date of Application: _____
2. Action Requested (Circle one): Variance Use on Appeal Interpretation Administrative Variance
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 and title submitting this request: _____
6. Is this person the (circle one): Property 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, address, phone number and email 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

13a. If a **variance is requested**, provide the following required information below to best of your ability. If this section is not completed specifically as the request relates to the Zoning Ordinance regulations, the application will be deemed incomplete and returned.

The Board of Zoning Appeals has the power to consider granting a variance based **ONLY** on the following criteria: (Section 23-49(a)(4) of the City of Germantown Municipal Code)

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. **Condition of property:**

_____ 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)

13b. If a **use on appeal is requested**, provide the following required information below to best of your ability. If this section is not completed specifically as the request relates to the Zoning Ordinance regulations, the application will be deemed incomplete and returned.

The Board of Zoning Appeals has the power to consider granting a use on appeal based on the following criteria: (Section 23-49(b) of the City of Germantown Municipal Code)

The Board of Zoning Appeals in either approving, granting or denying a use, variance, or otherwise when proper, will consider whether or not the approval will impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fire and endanger public safety or in any other way impair the public health, safety, comfort or welfare of the inhabitants of the city. Such consideration further may relate to screening, landscaping, location or other conditions necessary to protect property in the vicinity of the subject site.

This application for a use on appeal is based on the condition(s) below. Please provide written answers for each condition:

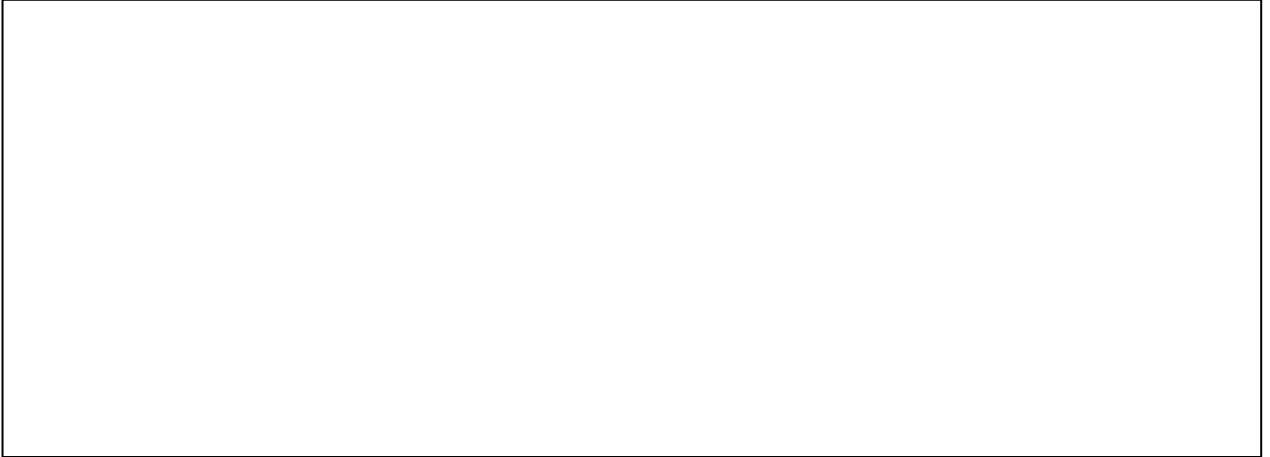
3. **Approval of the requested use will not:**

Impair an adequate supply of light and air to adjacent property

Unreasonably increase congestion of public streets

Increase the danger of fire and endanger public safety, or in any other way impair the public health, safety, comfort or welfare of the inhabitants of the city.

Such consideration further may relate to screening, landscaping, location or other conditions necessary to protect property in the vicinity of the subject site.



14. Ownership Shares in Project (if applicable).

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 & Title: _____

Signature: _____

Persons or Entities* Owning 10% or More of the Ownership Interests of the Owner
(attach additional sheets if necessary):

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 Name & Title: _____

Address: _____

Authorized Signature for Applicant: _____

President or Equivalent

Chief Executive Officer: _____

Signature: _____

Members of the Board of Directors of the Applicant
(attach additional sheets if necessary):

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

15. **Certification**

All applicable parties shown below must sign the application:

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

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

I, _____, (agent or attorney & title), 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/Property 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.

PLEASE NOTE THAT YOUR APPLICATION MAY BE WITHDRAWN AT THE PUBLIC HEARING PRIOR TO THE BOARD OF ZONING APPEALS VOTING ON IT, SUBJECT THE BOARD'S APPROVAL OF YOUR WITHDRAWAL REQUEST.

IF THE BOARD VOTES ON AND DENIES YOUR REQUEST, YOU MAY NOT RESUBMIT THE SAME REQUEST FOR AT LEAST 6 MONTHS.

NO REFUNDS ARE ISSUED FOR WITHDRAWN OR DENIED REQUESTS.

BOARD OF ZONING APPEALS CHECKLIST OF REQUIRED MATERIALS

Please submit all of the items below in their completeness. Failure to do so will result in an incomplete application which will be returned.

1. The Official Application Form

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

2. Letter of Intent

3. Site Plan

a. Requirements for a Variance Request:

Two (2) 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. Area of property
2. North arrow
3. Existing roads
4. Building setback lines
5. Location of all structures, existing and proposed
6. Location of all easements
7. Proposed curb cuts, drives, and parking areas
8. Contours (if topography is a reason for the variance request)
9. For all properties other than single-family residential, provide the following:
 - a. Landscaped buffer areas and planting screens to protect adjoining property
 - b. Common open space area
 - c. Proposed exterior lighting
 - d. Location of trash/recycling area
 - e. Site data table with:
 - i. Area of property
 - ii. Building lot coverage
 - iii. Total building area
 - iv. Impervious/pervious coverage (%)
 - v. Building height
 - vi. Parking – required and provided
10. Other information as determined by staff

b. Requirements for a Use on Appeal Requests:

Two (2) copies of a site plan showing the development concept for the tract, with the following information:

1. North arrow
2. Be drawn to a scale of one inch equals 100 feet
3. Existing and proposed roads
4. Zoning of adjacent tracts
5. Proposed curb cuts, drives, parking areas, contours and drainage
6. Names of the owners of all adjoining lots or tracts
7. Building setback lines
8. Location of all structures, existing and proposed
9. Landscaped buffer areas and planting screens to protect adjoining property
10. Proposed lighting and measures taken to prevent its adverse impact on adjoining property.
11. Site data table with:

- a. Area of property
 - b. Building lot coverage
 - c. Total building area
 - d. Impervious/pervious coverage (%)
 - e. Building height
 - f. Parking – required and provided
12. 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.

4. Photos

Labeled photos of the neighborhood and subject property that visually show the need for the variance. Two (2) copies of printed color photos (on normal 8"x11" paper) and all photos saved electronically and submitted digitally.

5. Neighborhood Outreach

a. For a Variance Request:

- i. Approval letter from HOA (when applicable)
- ii. Copy of CC&Rs (when applicable)

b. For a Use on Appeal Request

- i. Neighborhood Outreach: Documentation of neighborhood outreach conducted or to be conducted (eg, letter to neighbors, notice for a neighborhood meeting, etc.) For all use on appeal requests, it is highly recommended that the applicant conduct neighborhood outreach (at 500' radius from property), prior the scheduled Board of Zoning Appeals meeting.
- ii. Public Notification Sign: All use on appeal requests shall require a public notification sign posted on the property between 10-30 days prior to the Board of Zoning Appeals meeting. Planning Division staff will provide the applicant with the template for the sign.

6. List of Names and Addresses and Vicinity Map

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's GIS Zoning tool at <https://gis.shelbycountyttn.gov/zoning/>. Please follow the instructions in the upper right hand window.

7. Fees *

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

Request:	Fee:
Variance	\$360.00
Administrative Variance	\$100.00
Use on Appeal	\$400.00
Public Notice Fee for every application	\$175.00

* All fees effective July 1, 2024.

- 8. 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.

- 9. Either provide a thumb drive or send an email to Planning Division staff with the required materials as listed above, in PDF format. This must be included with all submission packages.