

City of Westphalia

APPLICATION FOR CONDITIONAL USE

Submit to:
City Clerk

P.O. Box 36 116 Main Street
Westphalia, MO 65085 Westphalia, MO 65085
Phone: 573-619-8817 Email: westphaliamo@gmail.com

Application Fee: \$100.00

Applicant: Please provide the following information:

Applicant's Name: _____	Property Owner's Name: _____
Address: _____ _____	Address: _____ _____
Phone No.: _____	Phone No.: _____
Fax No.: _____	Fax No.: _____
E-mail: _____	E-mail: _____

Address of Property Affected:

I. Affected Property Details:

a. **Zoning District of affected property:** _____

b. **Existing use of the property:**

II. Description of the Requested Conditional Use.

a. **Identify and describe the conditional use that you are requesting:**

- b. **Identify the specific Zoning Code you are requesting a conditional use be varied. Please include the Article and Section Number of the Zoning Code.**

III. Applicant's Justification for the Requested Conditional Use.

- a. As provided in Section 143 of the Westphalia Planning and Zoning Code, a conditional use may be granted an applicant only when the Planning and Zoning Commission finds that there are special circumstances or conditions applying to the land or buildings for which the conditional use is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Article shall deprive the applicant of the reasonable use of such land or building. **Please describe the special circumstances or conditions:**

- b. That the alleged cause of the hardship has not been created by any person presently having an interest in the property. **Yes or No (circle one);**

- c. That the purpose of the conditional use is not based exclusively on a desire to enhance the value of the property or increase the return or income there from. **Yes or No (circle one);**

- d. That the granting of such conditional use will not be detrimental to the public welfare or substantially or permanently injurious to the property or improvements in such zones or neighborhood in which the property is located. **Please describe how the granting of this conditional use will not be injurious to the property or improvements in such zones or neighborhood adjoining the subject property:**

e. That the granting of the conditional use is necessary for the reasonable use of the land or building and that the conditional use if granted by the Board is the minimum conditional use that will accomplish this purpose and will not alter the essential character of the neighborhood. Is the conditional use requested the minimum necessary to permit the reasonable use of the land or building without altering the essential character of the neighborhood? **Yes or No (circle one).**

f. That the literal enforcement and strict application of the provisions of this Article will result in an unnecessary hardship inconsistent with the general provisions and intent of this Article and that in granting such conditional use the spirit of the Article will be preserved and substantial justice done. The concept of “unnecessary hardship” relates to “economic hardship” as defined in this Article in that the hardship must not be a mere inconvenience for the property owner but must represent a situation whereby ‘but for’ the conditional use, the property owner would be denied a reasonable use of the subject property. **Please describe how granting the conditional use will eliminate an unnecessary hardship:**

IV. Please provide the following information/documentation:

a. **The names and addresses of owners of all properties within a distance of 185 feet from the exterior limits of the property as shown by the latest assessment roll of Osage County:**

b. **A plot plan of the property involved showing the location of the proposed and existing structure.**

c. **Please include a legal description for the affected property.**

AUTHORIZATION OF PROPERTY OWNER
(Complete this form only if the property owner is not the applicant)

I swear that I am the owner of the property, which is the subject matter of the attached application, as shown in the records of Osage County, Missouri, and that I authorize the person named below to act as applicant in the pursuit of a variance of this property.

Name of Applicant: _____

Address: _____

Phone No.: _____

Property Owner' Signature

Subscribed and sworn to before me this _____ day of _____, 202__.

Notary Public

My Commission Expires: