

**APPEAL TO COUNTY COUNCIL
FROM DECISION OF THE
BOARD OF ZONING ADJUSTMENT**

Person(s) filing appeal: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Day Phone: _____

BZA Appeal No.: _____ BZA Decision: _____ Date of Decision: _____

Appeal or Variance that was requested of the BZA:

Reason for appealing decision:

**FILING AN APPEAL
TO THE COUNTY COUNCIL
FROM DECISION OF THE BOARD OF
ZONING ADJUSTMENT**



St. Charles County, Missouri

Please be advised that this brochure is a guide and should not be relied upon for the legality of the contents contained herein.

For forms or general information contact the St. Charles County Council at 100 N. Third Street, Suite 124, St. Charles, MO 63301. Phone 636-949-7530

What are the duties of the Board of Zoning Adjustment (BZA)?

The Board of Zoning Adjustment is authorized to grant variations to the Unified Development Ordinance where a genuine and unique hardship would result if the Unified Development Ordinance were to be applied literally or strictly. The Board may also hear certain appeals. Specifically, the Board of Zoning Adjustment has the following powers and it is its duty:

1. The Board shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Unified Development Ordinance.
2. The Board shall hear and decide all matters referred to it on which it is required to determine under the Unified Development Ordinance.
3. The Board may, where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation contained herein would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship on the owner of such property as an unreasonable deprivation of use as distinguished from the mere granting of a privilege, authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief as can be granted without substantially impairing the intent, purpose, and integrity of the regulations as embodied in the Unified Development Ordinance and maps.
4. The Board shall determine the existence of non-conforming uses when appealed from the decision of the Director of Planning and Zoning, as set forth in Part 6 of the Unified Development Ordinance Sections 405.540 et seq.

However, the Board may not hear appeals regarding Chapter 410, Subdivision Regulations of the Unified Development Ordinance.

Variance/Appeals are evaluated based on the following conditions:

Please bear in mind that variances/appeals to the zoning regulations cannot and should not be granted merely for the convenience of the applicant.

- a. The particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- b. The conditions upon which the petition for variance/appeal is based would not be applicable generally to other property within the same zoning classifications;
- c. The purpose of the variance/appeal is not based exclusively upon a desire to achieve greater profit out of the property;
- d. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- e. The granting of the variance/appeal will not be detrimental to the public welfare or unduly injurious to other property or improvements in the general area in which the property is located; or
- f. The proposed variance/appeal will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property within the general area.

How do you appeal a decision of the Board of Zoning Adjustment?

Any person aggrieved by a decision that was not a unanimous vote of the Board of Zoning Adjustment may appeal the decision of the Board to the County Council within fourteen (14) working days of mailing of the decision of the Board.

You may contact the County Council at 100 N. Third Street, Suite 124, St. Charles, MO 63301 or by telephone at 636-949-7530 or by e-mail address at council@sccmo.org to obtain the appeal form.

1. Appeal form must be received by the County Council within fourteen (14) working days of the mailing decision of the Board.
2. Council will notify the Planning and Zoning Division of the appeal.
3. Notification will be sent to the property owner and all adjacent property owners of the appeal request of the Council meeting date.
4. Appeal request will be presented in bill form to the Council, generally to be placed on the first meeting of the month (normally held on the second Monday of each month).
5. Council allows the audience to speak during the Public Comments section ONLY. Six people may speak on one certain bill/topic/item-three pros and three cons. Each speaker receives three minutes.

You may also appeal the decision of the Board or the County Government, as provided by statute, to the Circuit Court by filing a petition, duly verified, specifying the grounds of the illegality and asking for relief there from. Please consult your own legal counsel.