

## INSTRUCTIONS

### ZONING BOARD OF APPEALS APPLICATION

All zoning requests must be filed with the City Clerk **no later than the first (1<sup>st</sup>) day of each month** in order to be heard by the Zoning Board of Appeals on the first (1<sup>st</sup>) Tuesday of the following month.

All zoning requests must be submitted on this form after first being reviewed by the Zoning Department. **All** information requested by this form must be supplied in the space provided or attached to the form.

- **Special Exception (other than Dockside Gaming) - \$100.00**
- **Special Exception for Wireless Communications Tower - \$500.00**
- **Special Exception for Dockside Gaming - \$5,000.00**
- **Variance - \$100.00**
- **Amendment (including rezoning) - \$150.00**
- **Planned Unit Development - \$300.00**
- **Renewals of Use Permit/Special Exception - \$50.00**
- **Postponements by Petitioner - \$50.00**

All application fees are payable when the application is filed with the City Clerk and are nonrefundable for any reason.

**A survey, legal description and/or site plan of the property must be attached to the application.** Such surveyor site plan should indicate property lines, relation to streets, off street parking, and ingress and egress to the facilities. All applications for re-zoning must be accompanied by a legal description and plat with a metes and bounds description.

The applicant or his representative **must** appear before the Zoning Board of Appeals to explain the request and answer any questions. Meetings are scheduled for the first (1<sup>st</sup>) Tuesday of each month at 5:00 p.m. in the City Hall Annex Building, at 1415 Walnut Street.

A legal advertisement notifying the public of the proposed hearing will be prepared and published for the applicant by the secretary of the Zoning Board of Appeals. A Public Notice sign will be placed on the property to also notify the public of the zoning action.

One month's postponement may be granted by writing a letter to the City Clerk, P. O. Box 150, Vicksburg, MS 39181-0150. Said letter together with the postponement fee of \$50.00 should be delivered to the office of the City Clerk no later than the day before the hearing date.

**CITY OF VICKSBURG  
ZONING ACTION APPLICATION**

Select one or more of the following zoning requests by indicating with an "X".

- \_\_\_\_\_ Special Exception
- \_\_\_\_\_ Variance
- \_\_\_\_\_ Amendment
- \_\_\_\_\_ Re-zoning from \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_ Administrative Review

**Address of Proposed Zoning** \_\_\_\_\_

**Name of Applicant** \_\_\_\_\_

**Address of Applicant** \_\_\_\_\_

**Contact Person** \_\_\_\_\_

**Contact Person's Address** \_\_\_\_\_

**Phone No.** \_\_\_\_\_ **Fax No.** \_\_\_\_\_

**Name of Property Owner** \_\_\_\_\_

**Address of Property Owner** \_\_\_\_\_

**Phone No.** \_\_\_\_\_ **Fax No.** \_\_\_\_\_

**Name of Attorney** \_\_\_\_\_

**Address of Attorney** \_\_\_\_\_

**Phone No.** \_\_\_\_\_ **Fax No.** \_\_\_\_\_

**Legal Description of property and plat** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Current Zoning Classification**

**Does this property have restrictive covenants?** \_\_\_\_\_ (If yes, please attach a true copy of the restrictive covenants).

**Has any zoning action request for this property ever been made before?** \_\_\_\_\_ (If yes, please attach a true copy of all decisions of the Zoning Board of Appeals and of the Board of Mayor and Aldermen).

**Planned use of property:**

(Attach plans showing property boundaries, relation to streets, ingress and egress to the facilities and off street parking).

**SPECIAL EXCEPTION**

The Zoning Board of Appeals shall hear and decide only such Special Exceptions as the Board is specifically authorized to pass on by the terms of Ordinance No. 71-8.

The applicant for a Special Exception must indicate the section of Ordinance 71-8 under which the Special Exception is sought and state the grounds upon which it is requested.

Section \_\_\_\_\_ of Ordinance 71-8.

**Grounds for request: (Attach additional pages, if necessary).**

In granting any Special Exception, the Board may prescribe appropriate conditions and safeguards in conformity with the terms of the Ordinance.

## **VARIANCE**

A Variance from the terms of Ordinance No. 71-8 shall not be granted by the Zoning Board of Appeals until the applicant has demonstrated that the following conditions are met:

- (1) that special conditions or circumstances exist which are peculiar to the land, structures or buildings in the same zone;
- (2) that special conditions and circumstances do not result from the actions of the applicant;
- (3) that the applicant will suffer some unusual hardship from the literal enforcement of the provisions of Ordinance 71-8 different from the greater than that suffered by other property owners in the same zone under the terms of the Ordinance;
- (4) that granting the Variance requested will not confer on the applicant any special use or other privilege that is denied by Ordinance 71-8 to other lands, structures or buildings in the same zone.

**NOTE: The applicant must address each of the conditions above in the space provided below and/or attached pages. Non-conforming use of neighboring lands, structures or buildings in the same zone or permitted use of lands, structures or buildings in other zones shall not be considered grounds for the issuance of a Variance.**

**Grounds for request: (Attach additional pages, if necessary).**

## **AMENDMENT/REZONING**

For the purpose of establishing and maintaining sound, stable and desirable development within the City of Vicksburg, the Zoning Ordinance, No. 71-8, (as here used the term Ordinance shall be deemed to include the Official Zoning Map), shall not be amended except to correct a manifest error in the Ordinance or, because of changed or changing conditions in a particular area, to re-zone an area or to extend the boundary of an existing zone, or to change the regulations and restrictions thereof, only as reasonably necessary for the promotion of public health, safety or general welfare.

The applicant for an Amendment or Rezoning must, in writing below, state the purpose for the request, the grounds upon which the request is based, and the relationship of the request to the promotion of the public health, safety or general welfare of the City of Vicksburg.

**Grounds for request: (Attach additional pages, if necessary).**

## **ADMINISTRATIVE REVIEW**

The Zoning Board of Appeals may hear and decide appeals where there is an alleged error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.

The applicant for Administrative Review must provide, in the space below or attachments hereto, the section of Ordinance 71-8 that is in question, the basis for the appeal and a copy of the Zoning Administrator's order, request, requirement, decision or determination being appealed.

**Ground for request: (Attach additional pages, if necessary).**

By signing this application, it is understood and agreed that permission is given the City of Vicksburg to place a sign on said property, giving notice to the public that said property is being considered for zoning action. It is further understood that after a hearing has been held or a determination made, that said sign may be removed from the owner's property by the City of Vicksburg, or it may remain until the case is finalized, if deemed necessary. Be it further understood by the applicant that removal of the sign before the hearing will constitute a withdrawal by the petitioner, and the case will not be heard.

It is further understood and agreed upon by the applicant, and permission is hereby granted to the Zoning Administrator, for inspections, investigations and/or evaluation reports pertaining to said property to be made by the appropriate agencies. In the event such investigations, etc., disclose this property does not meet the requirements for the proposed usage, then this request will be held in abeyance until such time as those requirements are met and/or evidence of such is submitted.

By signing this application, I acknowledge that the above information is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Property Owner

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named \_\_\_\_\_, who acknowledged that \_\_\_\_\_ signed and delivered the above and foregoing instrument of writing on the day and year therein mentioned.

GIVEN under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_