

Town of Waterville
Conditional Use / Variance Application Information

Certain land uses and situations are of such special nature or their effect is so dependent upon actual contemporary circumstances as to make impractical the determination, in advance, of permissibility. Provision has been made in the Town of Waterville Zoning Ordinance for the determination of such cases by the Town Board as conditional uses or variances.

Application for any use listed as a conditional use in the Town of Waterville Zoning Ordinance or for a variance from a prohibition made in the zoning ordinance must be made to the Town by the owner(s) of the property on forms furnished by the Zoning Administrator or Town Clerk. **[Prior to filing an application and paying any fees, the applicant is encouraged, but not required to discuss the proposed use with the Zoning Administrator or Land Use/Zoning Committee.]**

A fee, as set from time to time by the Town Board to pay public notice costs, committee and board per diems, and other administrative expenses incurred by the town, shall accompany the application. The Town shall also require **all other reasonable expenses** associated with the request be paid by the applicant, including but not limited to town's attorney fees, engineering costs and other necessary professional services.

- Conditional Use Permit - \$500.00
- Variance - \$500.00

CONDITIONAL USE:

Application for **conditional use** shall be processed in this manner:

1. Upon receipt of a completed application and fee, the Town Clerk shall forward the application to the Zoning Administrator or Land Use/Zoning Committee for initial review.
2. The Clerk shall set a date for a review by the Land Use/Zoning Committee.
3. The Land Use/Zoning Committee shall make a recommendation for or against the proposed conditional use and forward its recommendation to the Town Board.
4. A public hearing on the application may be heard by the Land Use/Zoning Committee at its initial meeting or by the Town Board. Notice of such public hearing specifying the time, place and matters to come before the board shall be made by publishing a Class 1 public notice and by giving notice by mail to the applicant and to all adjacent property owners.
5. The Town Board may decide the matter at that meeting, ask for additional information from the applicant, or adjourn to another date for any reason.

6. The conditions of approval or reasons for disapproval shall be stated in writing by the Town Board and made a permanent part of the minutes and furnished to the applicant.
7. The Town may set any conditions on the conditional use it determines are in the best interest of the public health, safety and welfare.
8. When a conditional use permit is approved, an appropriate record shall be made and such approval shall be applicable only to the structures, use and property described in the application. The Town may record a conditional use permit with the register of deeds.
9. Where a conditional use does not continue in conformity with the conditions of the original approval, the conditional use shall be terminated by action of the Town Board, preceded by a public hearing and notice to affected parties.
10. The Board shall act on an application within 40 days of receiving it, but if additional information is required by the Board, the Board's decision may be further deferred until after receipt of such information.

The Board may make the granting of an application for a conditional use contingent upon such express conditions as it considers necessary to further the aims of the town's zoning ordinance.

VARIANCE:

A decision to grant a **variance** is a decision to permit something which is prohibited by the Town of Waterville Zoning Ordinance. The applicant must demonstrate: unnecessary hardship exists, unique physical property limitations exist, and no harm will be done to the public interest by granting the variance.

Applications for variances shall be submitted in writing to the Town Clerk by the owner(s) of the property and shall be processed as follows:

1. The Town Clerk will transmit the application and supporting documentation to the Board of Appeals and shall schedule a Board of Appeals meeting to hear the request within 30 days of a receipt of the written request, or as soon as possible based on availability of the Board of Appeals members.
2. Notice of such public hearing specifying the time, place and matters to come before the board shall be made by publishing a Class 1 public notice and by giving notice by mail to the person requesting the variance and to all adjacent property owners.
3. A decision to allow or disallow a variance shall be made and written findings shall be given to the person making the request within 30 days from the date of hearing.