



Board of Adjustment

Variances from the Zoning Regulations

This brochure is an informational handout only, to be used as a guide and should not be relied upon for the legality of its contents. The intent is to provide general information on the appeal process for any individual seeking relief from the requirements of Chapters 400 & 405 of the City of Wentzville's Land Use Requirements.

This brochure may not answer every question, which may be raised about the Board of Adjustment process. You may contact an attorney or the City of Wentzville's Planning Division for forms, general information and questions concerning this guide and your appeal at:

City of Wentzville
Community Development Department
Planning Division
1001 Schroeder Creek Blvd.
Wentzville, MO 63385
(636) 639-2032
(636) 327-4892 – Fax
www.wentzvillemo.gov – City's website

Who are the Board of Adjustment and what are the duties of the Board of Adjustment?

The Board of Adjustment consists of five members who are appointed by the Mayor and approved by the Board of Aldermen. Board members serve established terms, elect a Chairman and Vice Chairman and are authorized to hear and decide on appeals for variations to the Zoning Regulations adopted by the City.

The Board of Adjustment is authorized to grant variations to the zoning regulations where a genuine and unique hardship would result if the strict application of the Zoning Regulations were to be applied. The Board of Adjustment has the following powers and duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Regulations, or any ordinance adopted pursuant to the Zoning Regulations.
2. To hear and decide all matters referred to it or upon which it is required to pass under the Zoning Regulations.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Zoning Regulations, to vary or modify the application of any of the regulations or provisions of the Zoning Regulations relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the Zoning Regulations shall be observed, public safety and welfare secured and substantial justice done.
4. To determine the existence of nonconforming uses when appealed from the decision of the Community Development Director and/or allow for reconstruction of a non-conforming structure.

A Variance/Appeal will be evaluated on the following conditions/criteria:

1. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
2. Strict application of the provisions of the zoning regulations would deprive the applicant of the reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same district.
3. The appeal, if approved, will not cause or will not impair the adequate supply of light and air to adjacent property, or increase congestion on public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City.
4. The particular physical surroundings, shape and 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 law is carried out.

The purpose of the variance/appeal is not based exclusively upon a desire to achieve greater profit out of the property. Financial disadvantages shall not constitute proof of unnecessary hardships within the purpose of zoning.

How do you apply for a Variance?

An account will need to be established on the City of Wentzville Citizen Portal at: [SmartGov Citizen Portal](#), then go to Planning & Zoning/Board of Adjustment Variance to begin an application. General information may be obtained from the Planning Division located at 1001 Schroeder Creek Blvd., or online at www.wentzvillemo.gov. The Board meets monthly and application deadlines are established in advance, so you may be placed on the next available agenda.

When you apply for a Board of Adjustment Variance/Appeal the following information will be needed as a .PDF at the time of application.

1. Submitted application at: [SmartGov Citizen Portal](#).
2. A written statement of hardship or explanation of appeal.
3. A property survey or site plan drawn to scale, if applicable, presenting the following:
 - a. Property boundary lines.
 - b. Location and size of existing and proposed buildings.
 - c. Front, side, and rear yard setback dimensions if under appeal.
 - d. Any other features that will help illustrate the property, such as topography changes, drainage issues, and surrounding land uses.
(The Planning Division can provide assistance with this property sketch or provide an example upon request.)
4. Owner’s authorization. The owner of the property shall acknowledge submission of the application online for one or all of the owners whose names appear on the deed for the property under appeal. The applicant shall also acknowledge submission of the application if he/she is not the owner of the property under appeal.

5. The application fee is \$200. The application fee is applied to the cost of the Public Notice advertisement required for the appeal. Payment should be made through the Citizen Portal by credit card or eCheck.
6. The City shall not accept or process any application that is delinquent on any City and/or County taxes until such time as all delinquent taxes are paid to the appropriate taxing authority, per Ordinance #2445, **please upload a .PDF of the most recent paid tax receipt to your portal application.** This can be obtained by calling St. Charles County Collector at (636) 949-7470 or emailing them at collector@sccmo.org.

(Keep in mind the application deadline date is approximately one month before the meeting, which is held the second Thursday of the month at 6 p.m.)

Public Hearings for a Variance:

Public Hearing notifications are provided to adjacent property owners of the site via Public Notice Letters, as well as, public posting(s) on the site with a QR code for residents and business owners to scan to learn more about the application (as shown below). The Variance request is also posted in the St. Charles County public paper. To view Wentzville’s Public Notices go to: [Public Hearings](#).



When is the decision made?

The applicant for the appeal, or his or her representative, is required to appear on the night of the scheduled hearing to provide information to the Board concerning the Variance request.

The Board of Adjustment will render a decision on the Variance/Appeal the same evening it is heard and discussed. At the public hearing, the chairman will request the applicant or their representative to come forward, be sworn in and speak to the Board explaining why the Variance/Appeal is being requested and the hardship incurred if the variance/appeal would be denied. The Board of Adjustment members may ask questions of the applicant and may request any reasonable information they may need to render a decision. After you have spoken, people in favor of, or opposed to, the request may speak. It is important to keep your presentation brief and to the point when explaining your variance request.

THE CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD OF ADJUSTMENT IS NECESSARY TO APPROVE A VARIANCE/APPEAL.

A super majority vote is required to approve an appeal (four of the five members voting in favor).

If the Board of Adjustment votes to grant your Variance/Appeal, you may then apply for any necessary building permits and/or land use approval.

Before applying for a Variance to the Board of Adjustment, an individual should meet with the Planning Division staff and make every effort to comply with applicable Zoning Regulations. Individuals who are considering applying for a Variance/Appeal should carefully read the criteria established within this guide as to the merits of their Variance appeal.

Need Additional Information?

Visit online: [Planning and Zoning Division](#) for the following:

- Agenda(s)
- Application
- Brochure
- Meeting Schedule/Deadline(s)
- Public Notice(s)