



**VARIANCE APPLICATION FOR  
WIRELESS SUPPORT STRUCTURES  
OR  
WIRELESS FACILITIES**  
CITY OF DARDENNE PRAIRIE, MISSOURI  
[www.DardennePrairie.org](http://www.DardennePrairie.org)

APPLICANT:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Printed Name, Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

OWNER (attach additional):

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

Contract Purchaser/Developer:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Printed Name, Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

STREET ADDRESS OF WIRELESS SUPPORT STRUCTURE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY (other than address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Filing of Application and Fees

### A. *A Request for a Variance.*

1. When an applicant requests some variation in the requirements of Chapter 405 of the Municipal Code of the City of Dardenne Prairie to construct a new wireless support structure or for a substantial modification of a wireless support structure, and where the strict application of Chapter 405 of the Municipal Code would involve undue hardship, the applicant may request a variance pursuant to Section 405.940 of the Municipal Code.
2. In reviewing requested variance under Section 405.940 of the Municipal Code, the Board of Adjustment may consider, but is not limited to, the following questions:
  - a. Does the hardship result from the strict application of these regulations?
  - b. Is the hardship suffered by the property in question?
  - c. Is the hardship the result of the applicant's own action?
  - d. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?
  - e. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?
  - f. If denial of the variance will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II)?

### B. *New Wireless Support Structure or Substantial Modification of a Wireless Support Structure.* An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the City Clerk. Each application shall be filed with the City Clerk and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the Board of Adjustment. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.930 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.

1. An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the City Clerk and shall contain or be submitted concurrently with fifteen (15) copies the following information:
  - a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
  - b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;
  - c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
  - d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
  - e. Date of filing with the Board of Adjustment;
  - f. The present zoning, proposed change of zoning, if any, and proposed use of such property;
  - g. The names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected;
  - h. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;

- i. Site Plan--See Article XIII (unless deemed unnecessary by the Board of Adjustment);
- j. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;
- k. A Landscape Plan, meeting the requirements of Chapter 405, Article IX, detailing the landscaping around the base of all wireless support structures, wireless facilities, base stations, and equipment compounds;
- l. The type of wireless facilities, infrastructure or technology to be used by the applicant; and
- m. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

*C. Procedure.*

- 1. Within one hundred twenty (120) calendar days of receiving an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the Board of Adjustment shall:
  - a. Review the application in light of its conformity with this Section 405.940;
    - i. An application is deemed to be complete unless the City Clerk notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
    - ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed by the Board of Adjustment within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred twenty (120) calendar day deadline for the Board of Adjustment to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.
  - b. Make its final decision to approve or disapprove the application;
  - c. Make findings of fact as to whether or not the standards described in Section 405.940 of the Municipal Code have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Board of Adjustment shall either:
    - i. Postpone consideration of the application because the application is incomplete;
    - ii. Approve the application;
    - iii. Approve the application with conditions; or
    - iv. Deny the application.and
  - d. Advise the applicant in writing of its final decision.
- 2. If the Board of Adjustment fails to act on an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one hundred twenty (120) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the application shall be deemed approved.