

MUST BE FILED IN CITY CLERK'S

OFFICE BY 9:00am ON _____

HEARING DATE:10:00am_____

Variance Application And Notice of Appeal To The Board of Adjustment

Part 1. General Information

1. **Application Form.** Be sure to thoroughly complete and submit all the required materials that are a part of this Variance Application and Notice of Appeal to the Board of Adjustment (hereafter referred to as the "Application"). Failure to do so will result in a delay in processing your appeal until the Application is complete.

The Application includes the following:

- This Application Form. (This form must be filled out **completely** for **all** applications);
 - Site Plan Checklist (Use this Checklist to prepare the Site Plan.);
 - Adjoining Property Owner Support Statement. (Completion of this form is *optional* and not required)
2. **Board Meetings.** The Board of Adjustment considers the facts presented by you in this Application and any testimony given under oath by you and any witnesses that you bring with you to the public hearing, together with any witnesses presented by the City. It will then make a final decision, based on the guidelines and requirements contained in Code of Iowa and Nevada City Ordinance Section 122.03. The Board meets regular the Tuesday following the **second** Monday of the month at 10:00 a.m. in the Council Chambers at City Hall, 1209 Sixth Street, Nevada, Iowa or at the time and place designated by the Chair. At the hearing, you have a right to be represented by an attorney, at your own expense. You are not, however, required to hire an attorney to represent you.
 3. **Filing Deadline. Fee.** See Schedule for deadline to file this Application after the denial of a Building Permit. All required information and materials must be filed with the City Clerk at City Hall, 1209 6th Street, Nevada, Iowa. You must pay the filing fee at the time your Application is filed with the Clerk. The amount of the filing fee is \$100.00 for Residential and \$200.00 for Commercial and Industrial applications.
 4. **Site Plan and Architectural Elevations.** The applicant must submit a Site Plan, drawn to scale, that clearly shows the variance being sought. The Site Plan shall be reproducible, black line drawings on a sheet of paper no larger than 11" x 17". For additional details pertaining to the Site Plan, Please refer to the "Site Plan Checklist" contained in the Addendum to this Application.
 5. **Photos and Exhibits.** Materials submitted with the application or presented

as evidence during the public hearing *will not be returned* and must be kept as part of the public record.

- Notification.** The City will mail a notice to all property owners within 200 feet of the property that an Application for a Variance has been filed. This notification is done so that concerned individuals will have an opportunity to know what is being proposed and can present information for or against this matter to the Board of Adjustment.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION,
PLEASE CONTACT THE DEPARTMENT OF PLANNING AND ZONING
Phone: 515-382-5466 Fax: 515-382-5469**

Part 2. Required Information

- Property Address:** _____, Nevada, Iowa.

A. Legal Address: _____

- I (We) the undersigned, do hereby appeal to the Nevada Board of Adjustment for a Variance from the Zoning Ordinance to allow the issuance of a Building Permit to do the following:

- The Building Permit was **refused** because: _____

- Name(s) of Property Owner(s):** _____
(Must be the legal owner(s) of the property.)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

- Applicant (if different from owner):** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

6. **Contact Person (if different from owner):** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Part 3. Grounds or Reasons for Requesting Variance

1. **Introduction and General Statement.** The Board of Adjustment is prohibited by law from granting a variance *unless* the Board makes a positive Finding (a determination) that (a) granting the variance will *not* be contrary to the public interest where, (b) because of *special conditions*, a literal enforcement of the provisions of the particular zoning ordinance would result in (c) *unnecessary hardship* to the owner. This Finding must be made with the objective and goal of observing the *spirit* of the zoning ordinance as a whole so that substantial justice will be done to *both* the Applicant and the citizens of Nevada. See Iowa Code Section 414.12(3).

In order for the Board to make this positive Finding (this determination), you must demonstrate to the Board of Adjustment *all* of the following:

I. that there are *special conditions* and *circumstances, peculiar* to *this* land, structure or building that are *not* applicable to, or the same as, other lands, structures or buildings in the *same* zoning district. Please describe in detail how your situation meets this requirement:

II. That a literal interpretation or application of the ordinance in question will deprive the owner of the *rights* commonly enjoyed by the owners of *other properties* in the *same*

zoning district. Please explain in detail how and in what manner you are being *deprived of the rights enjoyed by other property owners in the same zoning district*, and specifically, what those rights are:

III. That if the Board does in fact grant your request for a Variance, it will *not* confer on you any *special* privilege that is *denied* by the zoning ordinance to the owners of *other* lands, structures or buildings in the same zoning district. Please explain in detail how the variance, if granted, will not confer a special privilege on you, compared to the other property owners in the same zoning district:

IV. That the Variance you are requesting is the *minimum* variance that will permit the reasonable use of the land, building or structure. Please explain in detail why a lesser or smaller variance than the one you are requesting would *still* deny you the *reasonable* use of your land, structure or building, when compared to other properties in the *same* zoning district:

V. That if the Variance you are requesting is granted by the Board, it will **(A)** be in harmony with the general purpose and intent of the zoning ordinance; **(B)** it will not be injurious to the neighborhood surrounding your property; and **(C)** it will not be detrimental to the public welfare in general. Please give your detailed explanation of how and why your variance, if granted by the Board, will meet all of these conditions, **(A)**, **(B)** and **(C)**.

(A) _____

_____;

(B) _____

(C) _____

VI. That the City's literal enforcement of the zoning ordinance against you and your property by the Board's *failure* to grant the Variance you are requesting will result in *unnecessary hardship* to you. Please explain in detail the *nature and extent* of any hardship. If you are claiming a *financial* hardship, please be specific and describe the *amount of the hardship in dollars*, how you *calculated* the amount and how your failure to obtain the Variance will be the *primary* cause or reason for the resulting hardship, and not some remote, unrelated cause.

2. Present Facts, Not Conclusions. This appeal will not be successful unless sufficient *facts, not mere conclusions*, are presented in this Application to justify the variance in light of the requirements of the Ordinance. As a general statement, you must show that the granting of the variance relates to the overall *intent and purposes* of the Zoning Ordinance and the Comprehensive Plan as a whole. These documents are available at City Hall. You are free to review them, but are not required to do so. All of the basic, required information needed is contained in this Application.

3. **Building Permit Still Required.** Approval of the Variance by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary building permits or other permits from the City of Nevada or from other applicable agencies.

I (We) certify under penalty of perjury and pursuant to the laws of the State of Iowa, that I (We) have been denied a Building Permit, that I (we) have submitted all the required information for a Variance and that all of the information set forth above is factually true and correct, as I (We) verily believe.

Signed by: _____ DATE: _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's Signature)

And: _____ DATE: _____
[Applicant, if different from Owner]

And: _____ DATE: _____
(Contact Person, if different from Owner)]

Addendum to Variance Application

A. Site Plan Requirements For All Properties except those occupied by a Single-Family or a Two Family Dwelling.

- The Applicant must submit a Site Plan that complies with Chapter 129 of the City Code of Nevada, Iowa

B. Site Plan Requirements For All Properties Occupied by a Single Family or Two Family Dwelling. The Applicant must submit a Site Plan setting forth all of the following information, but it need not be prepared by a Registered Land Surveyor or Engineer:

- Must be drawn to scale
- Must be drawn on reproducible, black line paper no larger than 11"x17"
- Dimensioned property lines;
- Abutting streets and alleys;
- Location and size of all existing and proposed buildings and structures; (Include distances to all property lines and distances between buildings and structures.)
- Required setbacks;
- Driveways and parking areas, fully-dimensioned; and,
- Other pertinent information necessary to fully understand the need for a Variance. (e.g.: significant change in topography, location and size of mature trees, etc.)

B. Adjoining Property Owners' Statement
(Completion of this form by the applicant is optional.)

To Whom It May Concern:

We, the undersigned, own property adjoining _____ Nevada,
Iowa.

It is our understanding that _____ has filed an
appeal with the Board of Adjustment to allow _____

_____.

As adjoining property owners, we would have no objections to the issuance of a building permit for the purposes stated above.

NAME (SIGNATURE)	ADDRESS	DATE SIGNED
