

VARIANCE APPLICATION
TO
BOARD OF ADJUSTMENT

(Chapter 41.119 and 41.120 - Code of Ordinances - City of Windsor Heights)

Name of Applicant: _____

Address: _____

Address/Location of Property under Application: _____

Property Zoning Classification: _____

Legal Description: _____

Please attach a plot plan showing the exact conditions (setbacks, distances to adjoining structures, lot lines, street right-of-ways, abutting neighbors, etc.)

Variance request: _____

Abutting Property Owners names and addresses:

1. _____

2. _____

3. _____

If the variance is granted, the Formal Findings and order must be recorded in the County Recorder's Office or the variance is not valid. The recorded copy must be returned to the City.

I certify that all the information submitted in this application is true and correct and that I have full legal authority to apply for this variance.

Signature of Applicant

Date

Applicant Telephone Number

Application fee of \$125.00 must be paid with filing and prior to consideration of variance.

.....
Received by _____

Publication date

Hearing date

Time

VARIANCE APPLICATION -- Addendum

To grant a variation from the terms of the Zoning Code, the property owner must show that this property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Chapter actually prohibits the use of this property in a manner reasonably similar to that of the other property in the same district, and where the Board is satisfied under the evidence before it that the literal enforcement of this Chapter would result in unnecessary hardship provided, however, that all variations granted under this clause shall be in harmony with the general purpose and intent of this Chapter.

The applicant must submit evidence supporting the following:

1. Without the variance, the property cannot be put to a reasonable use. Why?/Reasons.

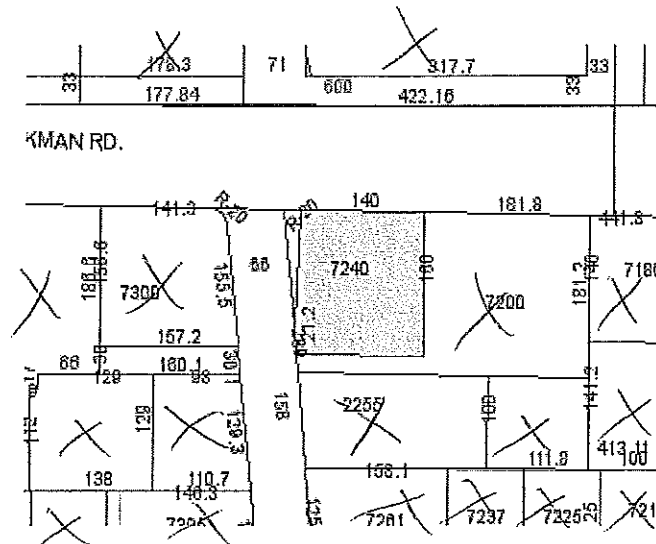
2. The circumstances requiring the variance are unique to the property (not normal to the zoning district or neighborhood) and were not created by the owner. Why?/Reasons.

3. The variance will not alter (harm) the character of the neighborhood. Why?/Reason.

The applicant should be prepared to attend the public hearing and further justify the variance, answer questions, etc. *It is the duty of the applicant to justify reasons and provide evidence in support of granting the variance.* It is not the City's responsibility to prove why the variance should or should not be granted.

**Variance Application
Directions and Information**

1. Complete all blanks on the form by typing or printing legibly. Attachments may be used if clearly referenced. The Board of Adjustments must find that the Ordinance creates an unnecessary hardship which is not self-created; that the property is unique; that the requested variance is harmonious with the spirit and intent of the Ordinance; and that the character of the neighborhood will be preserved in order to grant the appeal, and will base its findings on the information presented. The appellant may provide other supporting documentation by submitting it in writing and clearly referencing the points to which it applies. Three or more Board members must vote in favor of the appeal for it to be granted.
2. Six (6) sets of the site plan, elevations, and drawings must be submitted, and must be drawn to scale neatly and legibly.
3. If the appellant is not the record title holder, such title holder must authorize the appeal in writing, and the authorization must be submitted as part of the appeal.
4. Provide the names, property addresses, and mailing addresses of all property owners within 200 feet for residential projects or 300 feet for commercial projects of the subject property, both the title holders and contract buyers where applicable. Intervening streets and alleys are not to be included in computing the 200 or 300 foot requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder and providing the property addresses. You do not need to obtain these property owners' permission.



5. You or your representative must personally appear before the Board of Adjustment to present the appeal. The Board of adjustment meets at the call of the chair in the City Council Chambers in City Hall at, 1133 66TH Street, Windsor Heights, Iowa. The appellant is responsible for confirming the date, time, and place at which the appeal will be heard, and for filing a completed appeal prior to the filing deadline for the meeting.
6. A filing fee in the amount of \$125.00 must be paid at the time the appeal is filed. This fee is not refundable.

APPEAL RECEIVED: _____
Date

Zoning Administrator

CHECK LIST FOR BOARD OF ADJUSTMENT

1. Make Application for Variance.

2. Letter of Request to the Board stating variance needed.

3. List of Property Owners within 200' of the property
- excluding streets and alleys.

4. Check for \$125.00