



City of Windsor Heights

www.windsorheights.org

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**WINDSOR
HEIGHTS**
the heart of it all

APPEAL FOR VARIANCE APPLICATION

Fee Amount: \$300.00 *Application fee of \$300.00 must be paid with filling and prior to consideration of variance.

Name of Applicant: _____

Address: _____

Property address for variance: _____

Property zoning classification: _____

Legal Description: _____

Please attach a site plan, elevations, floor plan, perspective, photographs, or other documents that are legible and neatly drawn to clearly illustrate the nature of the appeal and variance. Show the size and all dimensions of the property, proposed and required setbacks, height, etc. of all existing and proposed structures, and all other information relevant to the appeal.

Variance request: _____

(Example: "setback variance of 1.25 feet from the 8-foot minimum side yard setback required in the R-2 District, to construct a house addition that is 10 feet wide and 24 feet deep.")

If the variance is granted, the formal findings and order must be recorded in the County's 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 phone number

Applicant email

Received by: _____

Publish date: _____

Hearing date: _____

Time: _____

VARIANCE APPLICATION– Addendum

To grant a variation from the terms of the Zoning Code as prescribed in Chapter 177.10, 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 shall 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?/Reasons.

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.

Appeal for 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 Adjustment 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. Two (2) 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 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 owner within 200 feet for residential projects or 300 feet for commercial projects of the subject property, both the title holders and contract buyer where applicable. Intervening streets and alleys are not to be included in computing the 200 or 300 feet requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder's office and providing the property addresses. You do not need to obtain property owners' permission.
5. You or your representative must personally appear before the Board of Adjustment to present the appeal. 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. Appellants are NOT allowed to contact or discuss appeals with the Board of Adjustment members outside of the scheduled meeting, since the Board is a quasi-judicial body. The Board's decision can be appealed to District Court by the appellant or anyone aggrieved by the Board's decision.
7. A filing fee in the amount of \$125

Checklist for Board of Adjustment

- Application for variance request
- List of property owners' addresses and mailing addresses within 200 feet (residential) or 300 feet (commercial) of the property at question.
- Site plan drawings
- \$300 fee