

# 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 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 the Code of Iowa and Vinton City Code Chapter 121. The Board meets on a "on-call" schedule in the Council Chambers at City Hall, 110 West 3<sup>rd</sup> Street, Vinton, Iowa 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, 110 West 3<sup>rd</sup> Street, Vinton, Iowa. You must pay the filing fee at the time your Application is filed with the Clerk. The amount of the filing fee is \$50.00.

4. **Site Plan and Architectural Elevations.** The applicant must submit a Site Plan 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.
  
6. **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 your Application to the Board of Adjustment.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION,  
PLEASE CONTACT THE VINTON CITY COORDINATOR  
Phone: 319-472-4707 Fax: 319-472-4456**

## Part 2. Required Information

1. **Property Address:** \_\_\_\_\_, Vinton, Iowa.

A. **Legal Description:** \_\_\_\_\_

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

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3. The Building Permit was **refused** because: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_.

4. **Name(s) of Property Owner(s):** \_\_\_\_\_  
(Must be the legal owner(s) of the property.)

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Telephone: \_\_\_\_\_  
(Home) (Business) (Fax)

5. **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 *may* grant a Variance, provided the Board makes a finding that *denial* of the Variance *will* result in unnecessary hardship to the Applicant *and granting* the variance will *not* be contrary to the public interest, will observe the spirit of the Zoning Ordinance and will result in substantial justice. See Iowa Code Section 414.12(3) and Vinton City Code Section 121.29.9.**

**In order for the Board to make these Findings (these determinations), *you* must demonstrate to the Board of Adjustment all of the following:**

**(a) that special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district.**

Please explain in detail how your property is unique and unlike other properties in the same zoning district, and why other properties in the district would not also qualify for special treatment because of undue hardship:

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**(b) that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.**

Please explain in detail how your situation meets this standard. Compare and contrast your property with others in your district.

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**(c) that the special conditions and circumstances do not result from the actions of the applicant.**

Please explain in detail how your requested variance meets this standard:

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**(d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or building in the same district.**

Please explain in detail how your requested variance meets this standard:

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**(e) that the condition or situation of your property is not of so general or recurring a nature as to make reasonably practicable a general regulation or amendment to the existing zoning ordinance.**

Please explain why your property is so unique that the existing zoning ordinance should not be amended to accommodate all other properties that are similar to yours, if there are such properties.

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**(f) that the granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any City Zoning Ordinance, Zoning Resolution or be contrary to the City's Comprehensive Plan.**

Please explain how your property meets this requirement.

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**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 not only show substantial and undue *hardship*, but also 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 Vinton 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 : 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 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 \_\_\_\_\_  
Vinton, Iowa.

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

As adjoining property owners, we are aware that the application for the variance described above is being submitted. This does not indicate either being in favor or in opposition to the variance.

NAME (SIGNATURE)	ADDRESS	DATE SIGNED