

# ZONING ORDINANCE VARIANCE REQUEST APPLICATION

## CITY OF HIAWATHA, IOWA

The Board of Adjustment may grant a Variance, provided Board members can make a finding the Variance will not be contrary to public interest, you will observe the spirit and purpose of the Sign Ordinance, Zoning Ordinance, and Land Use Plan. *No variance can be permitted that would cause to be established a use not otherwise permitted by the Zoning Ordinance or to extend a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance.*

In the State of Iowa, case law has established criteria and a process to decide variance requests. All applicants for a variance must establish that the zoning ordinance, as it is applied to their property, amounts to an “unnecessary hardship”. To receive consideration for a variance, please complete the following sections:

1. **Economic Hardship** – To prove this element you must explain that loss of beneficial use of your property has been caused by the city’s zoning ordinance and was not self-created. It is not sufficient to explain that the value of your property has been depreciated by the zoning regulation, or that a variance would permit a more profitable use or financial gain.

Please explain below why your property cannot be used in the manner permitted by the zoning ordinance unless your variance request is granted. Explain how the ordinance deprives you of substantial rights commonly enjoyed by other property owners subject to the same ordinance.

**Please note:** *Your variance request cannot result in you enjoying some special privilege or additional right not available to other property owners subject to the same ordinance.*

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2. **Unique Circumstances** – Explain why special characteristics of your property, unlike comparable properties in the same vicinity and zone, entirely unavoidable by you, make your property unusable when regulated by the city’s zoning ordinance. Please explain below the unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions that are peculiar to your property.

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3. **Not Detrimental To The Character Of The Area** – Explain below why granting the variance will not negatively alter the character of neighborhood or area. Please understand your variance request cannot adversely affect the health or safety of persons, be materially detrimental to the public welfare, nor injurious to nearby property or property improvements.

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**PLEASE NOTE: FAILING TO PROVE ALL OF THE ABOVE THREE ELEMENTS REQUIRES BOARD OF ADJUSTMENT TO DENY VARIANCE APPLICATION.**

4. **Site Plan** – You are required to submit a site plan, drawn to scale, clearly showing the variance requested. The site plan must be a reproducible black line drawing on paper no larger than 11” x 17” in size. Checklist:

- Dimensioned property lines;
- Abutting Streets;
- Location and size of all existing and proposed buildings and structures; (Includes 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. (Show significant change to topography, location and size of mature trees, etc.)

*Fee: \$200.00 This fee shall be paid at the time of variance request to the City Clerk’s office. This fee is not refundable unless the appeal is withdrawn before the staff has started its review.*

**Surrounding Property Owners** Applicant needs to provide two lists of all property owners, one within 0-200 Feet and one within 200-500 Feet of the variance request for notification letters.

Applicant:

Street Address:

Home Telephone:

Work Telephone:

Property Address for Variance Application (if different from above):

Signature

Date

For Office Use Only

1. Variance request is addressed by The Hiawatha Unified Development Code under:

2. Date Notification Signs Posted On Property: \_\_\_\_\_

3. Date Notification Letters Sent to Adjacent Owners: \_\_\_\_\_

4. Building/Zoning Recommendations: \_\_\_\_\_

Recommended By: \_\_\_\_\_ Date: \_\_\_\_\_

5. Staff Recommendations For Other Reasonable Remedies Available Aside From A Variance: \_\_\_\_\_

Recommended By: \_\_\_\_\_ Date: \_\_\_\_\_

6. Variance Request: \_\_ Approved: \_\_ Denied: \_\_ Date: \_\_\_\_\_

7. Comments: \_\_\_\_\_