



APPLICATION FOR VARIANCE

INSTRUCTIONS: Please complete the entire application. Failure to complete this form in detail may result in delays in processing your variance.
Those lines that begin with (*) are for city staff to complete.

Name: _____ Date: _____

Company Name: _____

Address: _____

Phone: _____

Email Address: _____

Address for Variance: _____

Create a simple plat map of the area or attach a copy of plat.

Reason for Variance: _____

Present Use of Property: _____

Proposed Use of Property: _____

Parcel Number: _____

Zoning Classification: _____

You must demonstrate all of the following criteria for the ZBA to consider your variance.

A variance is the changing of law in a specific instance in order to lessen a hardship caused by the zoning regulations. To grant a variance, the Zoning Board of Adjustment takes into consideration the following three factors:

1. Presence of Hardship – Before the Board can approve a variance, it must find that a hardship exists. The term “hardship” is defined as a situation or condition where enforcing the zoning regulations makes a property useless and, therefore, of no value to the owner. In demonstrating a hardship, the property owner must show that he / she can have no reasonable return on or use of the property. The inability to put a property to its most

profitable use, monetary loss or gain, inconvenience to the owner, and the presence of deed restrictions or contract terms does not create hardship.

The hardship must apply to the property in question and not to be surrounding area. If the condition used to support a variance exists throughout your neighborhood, a change in the zoning regulations may be appropriate. Furthermore, neighborhood support for a variance cannot be considered since the variance applies to a specific property and is based on conditions on that property.

Another characteristic of hardship is that it cannot be the result of the property owner's own action. If someone buys a property and is aware of zoning requirements which limit the use of the property, or if he/she alters the property in violation of the zoning regulations, a self-imposed problem has been created and cannot be considered a hardship.

2. Harmony with Intent of Zoning Regulations – The Board must determine that a variance is in harmony with the general intent of the zoning regulations. Generally, a variance should not be granted when a property owner is attempting to expand a legal “nonconforming use” or where an owner is applying for a “use variance.” To do so would constitute an amendment to the Zoning Ordinance which can only be approved by the City Council.

3. Assurance of Public Safety, Welfare, and Justice – The Board must determine that the interests of the entire community have been preserved and that the variance will not result in greater hardship on neighbors than benefit to the applicant.

(*) Legal Description:

(*) The owner requests a variance to the following sections of the City's Ordinances:

I HEREBY declare all of the above information to be true

Signature of Applicant

Date

APPLICATION FEE: License Fee of \$75.00 must be paid at time application is filed.

Receipt # _____ taken by (initials) _____ .

Date of Public Hearing Notice: _____

Date of Zoning Board of Adjustment Meeting: _____

I HEREBY CERTIFY that the above application was () approved, () denied by the Zoning Board of Adjustment on the _____ day of _____, 20____.

CITY OF MAQUOKETA, IOWA

CITY MANAGER

