



BUSINESS AFFAIRS AND COMMUNITY GROWTH

819 1st Avenue South
Fort Dodge, IA 50501
Tel: (515) 573-8321 Fax: (515) 573-5097
Email: bacg@fortdodgeiowa.org

VARIANCE APPLICATION FORM

OWNER INFORMATION:	APPLICANT INFORMATION (if different):
Name _____	Name _____
Address _____ _____	Address _____ _____
Phone _____	Phone _____
E-mail _____	E-mail _____

PROPERTY INFORMATION:

Property Address: _____

Current Zoning: _____ Lot Size: _____

Has any previous application or appeal been filed in connection with this premise? Yes No

If yes, please explain. _____

SUBMITTAL REQUIREMENTS:

Provide the following to ensure a complete application:

- Owner & Property Information (above)
- Findings of Fact (complete page 3)
- Application fee (\$200)
- Copy of Deed (to show the legal description)
- Site plan (see page 4 for checklist)
- Electronic copy of plans, if available (PDF)
- Application signature (page 2)

Pictures or graphics relative to the proposed project may be provided with the application or at the public hearing. Materials submitted with the application or presented as evidence during the public hearing must be kept as a part of the public record and will not be returned.

BOARD MEETINGS

Board of Adjustment meetings are regularly held on the first Tuesday of each month at 4:30 p.m. in the City Council Chambers of the Municipal Building. The Board considers the facts provided in the application and testimony given at the public hearing held during the meeting. The Board makes the final decision based on standards established within the City's Zoning Ordinance.

NOTIFICATION

Notice of the public hearing is provided to the owner of the property via mail or email and to the public via a physical sign posted at the property and in a newspaper of general circulation within the City. Each notice provides the time, date and location of the meeting where the public hearing will be held.

ABOUT VARIANCES

Where an extraordinary hardship is demonstrated, the Board of Adjustment may allow an applicant to “vary” from the applicable regulations. A variance is intended to consider special situations or circumstances that may not be specifically addressed within the City’s Ordinance. The Board’s power to grant variances should be exercised sparingly and only under exceptional circumstances where the hardship is so substantial, serious and compelling that relaxation of the City’s restrictions ought to be granted.

The criterion used for consideration of the Variance request is referred to as “findings of fact”, which are published in the City’s Zoning Ordinance, and are based on requirements established by the State of Iowa. The applicant must answer the questions in the “findings of fact” to clearly demonstrate to the Board that the request meets all required criteria in order for the Board to grant a variance. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner a more profitable use.

The applicant must consider how they meet the City’s variance standards set forth in the City’s Zoning Ordinance and may bring to the hearing any witnesses they wish to present evidence about the property in question, any written statements from individuals with personal knowledge of the property, and any documentation of previous requests for variances.

One of the purposes of zoning is to gradually eliminate and prevent new non-conformances. Please understand that the Board does not have to grant the request, as the Board is required to uphold the City’s zoning requirements. A variance to the zoning requirements requires serious consideration since a variance creates a non-conformance.

Note: If a variance is granted, the applicant must record the permit and provide a copy of the recorded document to the Business Affairs and Community Growth Department within 3 months of the date on which the variance was granted by the Board of Adjustment.

APPLICANT CONSENT:

The undersigned is/are the owner(s) of the described property on this application, located in the City of Fort Dodge, Iowa and assure that the information provided herein is true and correct. I/we hereby give my/our consent for the City of Fort Dodge Planning Division and Board of Adjustment to conduct a site visit and photograph the subject property. Furthermore, I/we consent to the City posting a sign at the subject property, to inform interested persons about the upcoming public meeting.

I/we agree not to construct upon or alter the proposed site with respect to the proposed variance request, prior to the Board of Adjustment’s decision.

If able, eight (8) days in advance of the Board of Adjustment meeting, I/we will clearly mark the building or addition on my property. (*Methods may include: paint, flags, rope, etc.*) I/we understand I/we may be contacted if there are any barriers to access.

The following is present at the property, creating an access barrier: (*If none, leave blank.*)

Dog Privacy fence (over 4’ and nearly solid) Other: _____

Owner _____ Applicant _____

Date _____ Date _____

FINDINGS OF FACT

Please address each of the following lettered items as completely as possible on a separate sheet(s) of paper (noting the corresponding letter) and return with your application. If you need assistance, please speak with a Planner in the Business Affairs & Community Growth Department. A copy of your responses will be forwarded to Board members prior to the meeting. You may also wish to include supporting documentation for your arguments. *(Recall that materials submitted with the application or presented as evidence during the public hearing must be kept as a part of the public record and will not be returned.)*

Please understand that answering these questions does not bind the Board of Adjustment to granting the variance, rather it assists them as they consider how the situation and evidence presented meet the findings of fact. The Board may deny a request, approve a request, or approve a request with certain conditions.

- a) **Special conditions and circumstances exist which are peculiar to land structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.** *(Describe any irregularities in your lot or buildings that prevent you from constructing without a variance. In other words, describe what makes your property different from others in the area. Demonstrate that the physical circumstances creating the hardship are not shared by other properties in your neighborhood. Physical circumstances include things such as oddly shaped lots, small lots, and the presence of mature trees, flood plains, steep slopes or other natural features. The board will be looking for proof from you that your property, not your personal circumstances, is somehow different from other property in the neighborhood.)*

 - b) **Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.** *(Discuss how the unique conditions or circumstances of the subject property deny privileges enjoyed by other properties in the same district. Discuss how, under these circumstances, the variance, if granted, will not alter the essential character of the neighborhood or locality. Demonstrate that the requested variation is compatible with and similar to other existing features in the area. You must prove to the Board that what you propose to do will not change the neighborhood or pose health or safety problems. This is usually the easiest test to meet.)*

 - c) **That the special conditions and circumstances do not result from the actions of the applicant.** *(Demonstrate that the hardship results from circumstances beyond your control, or beyond the control of previous property owners. For example, if a previous owner built your garage too close to your property line, this is not a hardship. However, if the City changed the zoning requirements for your area and your garage became non-conforming as a result, a hardship may exist. Be sure to address whether you made improvements in the past or altered the shape of the lot or building.)*

 - d) **That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.** *(Demonstrate that a variance would not simply be allowing you to build or do some other action that is commonly prohibited. For example, if you prefer to build your garage closer to the street but the front yard setback would prevent this, such a preference is not reason for a variance. Actions already taken by the applicant are not reason to more strongly consider a variance, especially if City requirements can be met with an alteration to said action. Be sure to address how a variance would allow you the same actions others could take, without needing a variance.)*
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BOARD OF ADJUSTMENT MEMBERS:

The following members have been appointed by the Mayor to serve on the Board of Adjustment. They may visit your property to understand the nature of the requested special exception. If a member cannot adequately see the area in question due to physical barriers (fence, dog, etc.) they may contact you to request access to your property. This list is provided to assure you the person contacting you is on the City's Board of Adjustment. If you have questions or concerns, please call a Planner at the Business Affairs & Community Growth office (515) 576-8191.

Steve Hoesel, Chair
J.P. Mansfield, III
Jeanne Gibson
Troy Anderson
Jen Crimmins

SITE PLAN CHECKLIST:

Please provide the following information on your site plan. A site plan meeting all of the items mentioned provides the best information to the Board of Adjustment as they consider your request for a variance. A legible site plan is very important.

- Site plan is drawn to scale. (Items on the property are shown in relation to each other and the distance can easily be understood viewing and/or measuring on the plan provided).
 - Site plan is drawn in black line on white paper. (This is strongly recommended to provide a legible and reproducible site plan.)
 - Site plan is no larger than 11 x 17.
 - All property lines are shown.
 - All abutting streets and alleys are shown.
 - All existing and proposed buildings and structures are shown (with dimensions).
 - All existing easements are shown (with dimensions).
 - Required setbacks are shown (with dimensions).
 - Any other pertinent information is shown (e.g. significant change in topography, location and size of mature trees)
 - Structural elevations are provided, if appropriate to the variance request.
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