

Carroll County

Application to the Board of Adjustment

Date: _____

I (We), _____ of _____
Name Address

_____ The Property Owner (Applicant)

_____ Authorized Agent of the property Owner, _____
Property Owners

Respectfully request that a determination be made by the Board of Adjustment on the Application as stated below:

_____ Appeal (Sec. 14.18.010.07.1)

_____ Special Exception (Sec. 14.18.010.07.2)

_____ Home Occupations (Sec. 14.02.220.08)

_____ Special Uses listed by District in Zoning Code

_____ Placement of Towers and Antennas (Sec. 14.15.040.02)

_____ Adult & Sexually-Oriented Business (Sec. 14.15.050.06)

_____ Solar Energy (Sec. 14.15.070)

_____ Variance (Sec. 14.18.010.07.3)

_____ Lot Area

_____ Frontage

_____ Setback Requirements

_____ Airport Height Requirements (Sec 171.05 Airport Zoning Regulations)

_____ Flood Plain Ordinance (Flood Plain Management Ordinance #5)

_____ Other

- A site plan or such other plans and data showing the dimensions, arrangements, descriptive data and other material essential to an understanding of the proposed use or modification shall accompany this application.
- What is your specific request?

- The property affected is located at: _____
- Zoning District of property: _____
- Legal Description of property: _____

- Has any previous application been filed in connection with this property? _____ Yes _____ No
If yes, explain:

- What is the approximate cost of the work involved: _____?

- Explain the purpose for which the property will be utilized: _____

- Will substantial construction or acquisition of property be involved in the proposed variance:

_____ If Yes, please explain: _____

- Explain why your request **WILL NOT** have an adverse effect of the use or value to area properties:

- Explain why your request will be in harmony with the general purpose and intent of the Zoning

Ordinance and Comprehensive Plan: _____

- Explain how the literal enforcement of the zoning ordinance will result in unnecessary hardship to you by answering the following:

1. Explain why your property cannot yield a reasonable return if used only for the purpose

presently allowed: _____

2. Explain how your situation is due to unique circumstances and not due to the general

Condition in the neighborhood: _____

3. Explain how the unnecessary hardship was created by the ordinance and not by the applicant:

- Site plan and elevations attached: _____ Yes _____ No If No, explain _____

Following is a list of abutting property owners involved in this application/appeal together with addresses.

Abutting property owners shall mean the owners of record of the properties located immediately North, South, East and West of the property subject to Board action and any properties sharing a common corner with the subject property.

Name (Please Print or Type)	Address (Please Print or Type)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I (We) further state that if this request is granted, I (We) will proceed in accordance with the plans herewith submitted within two months from the date of filing this application and will complete the work within six months from the start date.

Dated: _____

Signature of Property Owner

Signature of Property Owner

Signature of Authorized Agent

Notice: This application must be completed and submitted to the Zoning Administrator a minimum of fifteen days before the Board of Adjustment will consider meeting. A fee of \$50 must accompany the application.

Any person aggrieved by any decision of the Board of Adjustment, may file with the Iowa District Court a petition for Writ of Certiorari duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Said petition shall be filed with the Iowa District Court within 30 days after the filing of the decision.

Questions to Consider When Testing the Legality of an Application for Variance.

1. Has unnecessary hardship been proven by the applicant

While “unnecessary hardship” has no hard-and-fast definition, the legal precedent has established several conditions of hardship:

- a. Mere inconvenience to the applicant is not sufficient grounds for “unnecessary hardship
- b. Inability to put the property to its most profitable use does not constitute “unnecessary hardship.”
- c. The hardship must be a compelling force; that is, the problem must be a very real hardship and not just a perceived one.
- d. A strict application of the provisions of the zoning ordinance will preclude its use for any purpose to which the land is reasonably adapted.
- e. The premises cannot be used in a manner permitted by the zoning ordinance unless the adjustment is granted.
- f. Value alone is not the proper criterion in determining “unnecessary hardship.”

The burden of proof of “unnecessary hardship” rests upon the applicant and, without such proof, an adjustment must be denied. Also, the hardship must be created by the ordinance, not by the applicant. If the applicant has made improvements to the property in violation of the zoning ordinance, either willfully or innocently, the hardship was created by the applicant and an adjustment may not be granted.

2. Has the public interest been served?

Again, there is not explicit definition of a “public interest,” but the board of adjustment may not grant a variance if the action will injure or endanger other property or persons. Will the variance devalue nearby property?

3. Is the spirit and intent of the ordinance and comprehensive plan upheld?

The board of adjustment must assure that granting the adjustment will not be contrary to the general land use plan or other elements of the comprehensive plan. The board’s actions should never knowingly destroy the provisions of the ordinance but take steps to assure itself that its action is in harmony with the ordinance.

4. Has substantial justice been done?

In its decision on an appeal for a variance, it is the duty of the board of adjustment to see that “substantial justice” is done to all parties concerned: the applicant, the people directly affected, and the general public.