



**APPLICATION FOR  
ZONING VARIANCE**  
DES MOINES COUNTY, IOWA

**APPLICATION #:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

PROJECT ADDRESS or LEGAL DESCRIPTION	TOWNSHIP <small>(Concordia, Flint River, Tama, or Union)</small>

NAME OF OWNER	PHONE NUMBER
ADDRESS <small>(Street, City, Zip Code)</small>	
E-MAIL <small>(optional)</small>	

ATTORNEY INFORMATION – NAME, PHONE NUMBER

ZONING DISTRICT
<input type="checkbox"/> A-1 <input type="checkbox"/> R-1 <input type="checkbox"/> R-1A <input type="checkbox"/> R-2 <input type="checkbox"/> C-1 <input type="checkbox"/> I-1 <input type="checkbox"/> FP Overlay <input type="checkbox"/> PUD Overlay

**ZONING PERMIT NUMBER:** \_\_\_\_\_

PROPOSED USE

VARIANCE REQUESTED FOR:
<input type="checkbox"/> Front Setback <input type="checkbox"/> Rear Setback <input type="checkbox"/> Side Setback <input type="checkbox"/> Lot Size <input type="checkbox"/> Lot Width <input type="checkbox"/> Building Height <input type="checkbox"/> Parking <input type="checkbox"/> Other: _____

Variance Item <small>(from above list)</small>	Minimum Requirement	As Proposed

**REASONS FOR REQUESTING VARIANCE**

**Please explain in detail why you are requesting a variance (or attach a separate letter if needed).**

**PLEASE ATTACH THE FOLLOWING**

- Site Plan (*may use the same Site Plan as the Zoning Permit application*)
- Fee (non-refundable) – **\$75**

**\*\*\*Please make all checks payable to “Des Moines County”.**

An application is hereby made for the approval of a Zoning Variance. The facts I have presented above are true and correct to the best of my knowledge.

Signature of Applicant: \_\_\_\_\_

Signature of Administrator: \_\_\_\_\_

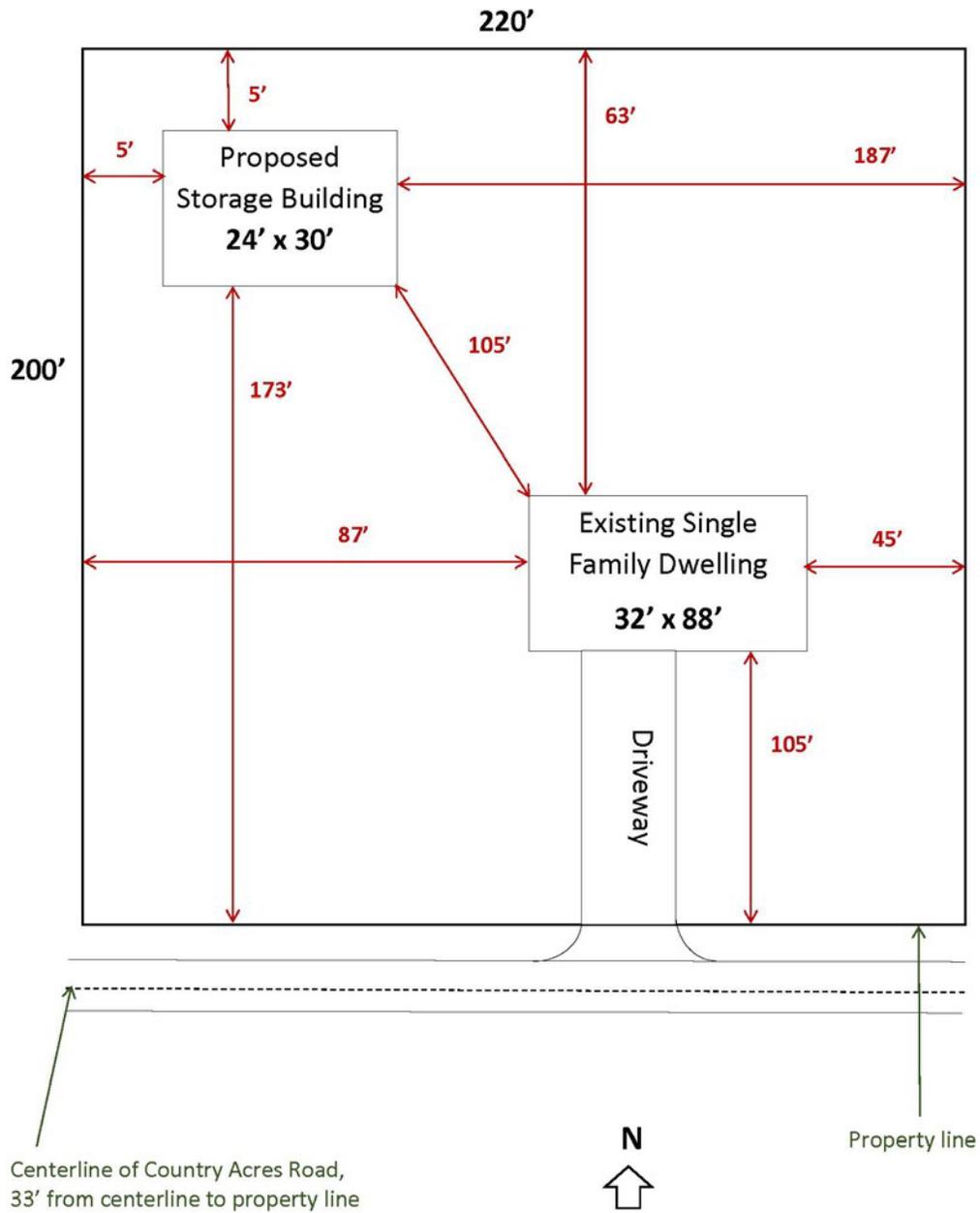
Date: \_\_\_\_\_

Note: For the specific regulations, please refer to the Des Moines County Zoning Ordinance. Submittal of an application does not guarantee approval.



**RETURN COMPLETED FORM TO**  
Des Moines County Land Use Administrator  
c/o SEIRPC  
211 North Gear Avenue, Suite 100  
West Burlington, IA 52655  
  
(319) 753-4313 or 753-4321

## EXAMPLE FOR SITE PLAN



### BE SURE TO SHOW THE FOLLOWING ON YOUR SITE PLAN:

- \* All Existing and Proposed Buildings
- \* Dimensions of Property
- \* Setbacks from Property Lines
- \* Distance between Buildings/Structures
- \* Width of Road Right of Way
- \* North Arrow

## ZOING VARIANCE APPLICATION - INSTRUCTIONS

### **What is a Variance?**

A variance is a relaxation of the terms of the Zoning Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

1. You will be notified when you make an application for a Zoning Permit on whether or not a Variance would be required to accomplish the improvements proposed in the permit.
2. Once an application has been properly filed with the Office it will be placed on the agenda for the next meeting of the Board of Adjustment. In accordance with the Board's Rules of Procedure, either you or your representative MUST be present at this public hearing to present the request to the Board of Adjustment. A notice will be sent to you by the Administrator apprizing you of the date and time of the meeting. The Board of Adjustment has the right to continue the request to subsequent public hearing(s) in order to allow them to tour the site, obtain additional data, etc. Once the Board of Adjustment has rendered a decision, a resolution is prepared which sets forth their decision and conditions, if any, on the request.
3. If the Board of Adjustment votes to approve the Variance, this gives the Administrator the authority to approve a Zoning Permit for the proposed development. You must then follow all requirements associated with the administration of a Zoning Permit, including any conditions that were attached to the approval of the Variance.
4. Section 335.18 of the *Code of Iowa* states that: "Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment under the provisions of this chapter (Chapter 335), or any taxpayer, or any officer, department, board or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board".

### **Items to be Addressed in an Application for Variance:**

1. 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.
2. That 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.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. 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.
5. That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance.
6. State the difficulties with the ordinance or the property which gives rise to this request. This section shall include all facts showing practical difficulty or undue hardship. State facts showing that the property cannot be reasonably used in a way consistent with the ordinance. These conditions should be unique to the petitioner's property rather than a general condition of the neighborhood.
7. State facts showing that the petition, if granted, will not alter the character of the locality, lower the value of neighboring property, or harm the public health, safety, or welfare.