

PETITION FOR VARIANCE

BOONE COUNTY
PLANNING AND DEVELOPMENT SERVICES

Courthouse
201 State Street
Boone, Iowa 50036

Petitioner Information: (Property Owner)

Petition No. _____

Form with fields for Last Name, First Name, Home Phone, Work Phone, Mailing Address, City, State, Zip, E911 Address, E911 City, E911 State, E911 Zip.

General Property Location:

Form with fields for 1/4 1/4, Section, Tier, Range, Parcel ID.

Current Zoning: Lot Area:

LETTER OF INTENT/NARRATIVE: For the Boone County Board of Adjustment to grant a Variance, the applicant is responsible for responding to the five (5) criteria outlined on the reverse side of this application in the form of a written or typed narrative. This written or typed narrative shall be submitted along with the applicant's Variance application. (See reverse side of this application)

Current Land Use:

Form with checkboxes for Agriculture - crop production, Residential (non-farm), Vacant Land, Other, Agriculture - pasture/livestock, Agriculture - Farmstead, Industrial/Commercial.

Site Plan Requirements

Attach a GIS Map, Site Plan or Recorded Plat of Survey showing the following:

- 1. North arrow
2. All lot line dimensions and rights-of-way.
3. Square footage of proposed structure.
4. All roads, private lanes abutting the property and existing or proposed access
5. Location of the Variance requested

Required Fee: This petition shall be accompanied by a non-refundable Variance Fee of One Hundred Dollars (\$100), payable to Boone County Planning and Development. Additional Zoning Permit fees are required for new construction.

I hereby certify that the foregoing information is true and correct and will become part of the legal written record as submitted to the Boone County Zoning Board of Adjustment.

Signature lines for /s/ Owner's Signature, Date, Legal Agent's Signature Acting on Behalf of Owner, Date.

For Office Use Only

Form for office use with fields for Action on Petition (Approve/Deny), Date, Board of Adjustment Chairman signature, Date Petition Received, Ordinance Section, Ordinance Requirement, Receipt No., and (\$100 Variance Fee).

(Continued on Reverse Side)

Variance Application - Applicant's Letter of Intent



IMPORTANT INFORMATION TO THE APPLICANT:

The ***burden of proof*** of “unnecessary hardship rests upon the applicant and, without such proof, a Variance must be denied. Also, the hardship must be created by the ordinance, not by the applicant. Numerous Iowa Supreme Court cases established some standards that the Board of Adjustment should keep in mind while considering each application for a Variance from the Boone County Zoning Ordinance.

Variations are classified into two (2) types: use variances and area variances. Use variances deal with use of the property. Area variances deal with setbacks. The standards for granting use variances and area variances are different.

- A. The standard for determining whether a **use variance** should be granted is “**unnecessary hardship.**” *To establish unnecessary hardship for a use variance, the Applicant must prove that the property cannot be used for any economically viable purpose specifically allowed by the zoning code.* The Board Of Adjustment has no authority to rezone property under the guise of a use variance.
- B. The standards for granting an **area variance** is the lesser standard of “practical difficulties.” In addition to any other relevant factors, to establish that the Applicant is entitled to an area variance on the basis of practical difficulties, the Applicant is required to address the following factors:
 - 1) There are unique physical circumstances or conditions, including irregularity, narrowness, shallowness of a lot size or shape, or exceptional topographical or other physical conditions ***peculiar to your particular property that are not shared by the neighborhood or district.*** And, the unnecessary hardship is due to such conditions and **not** the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 - 2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3) Such unnecessary hardship has not been created by the applicant.
 - 4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation or issue.

If the Board of Adjustment approves the requested variance, Planning and Development Services shall mail the applicant a copy of the recorded Resolution within a week and ten days.

If the Board of Adjustment denies the requested variance, Planning and Development Services shall mail a letter to the applicant within a week explaining the reason(s) for denial.