

CITY OF JANESVILLE, IOWA
VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

Applicant Information:

Name of Applicant:	
Applicant's Address:	
Applicant's Telephone Number:	Alternate Telephone Number (Optional):
Applicant's Email Address (Optional):	Fax Number (Optional):

Property Information:

General Address of Property in Question (parcel number, street address or road address):
Legal Description of Property in Question (Attach, if necessary):
<i>Attach a site plan or plot plan.</i>

Required Information:

Existing Use of Property:
Existing Zoning Classification
Proposed Variance (cite ordinance section being considered for varying):
Reason for the Request and justification for variance:

Ordinance Standards:

The Board of Adjustment in its evaluation and decision-making process is required to ensure that your request meets all of the following standards. **Please be prepared to provide information to the Board regarding these standards.**

1. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this Ordinance actually prohibits the use of the property in manner reasonably similar to that of other property in the district.
2. 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. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
3. Special conditions and circumstances do not result from the actions of the applicant.
4. 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 zoning district.
5. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the City Zoning Ordinance and the City Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
7. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under the Ordinance.
8. Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
9. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.

Conditions:

Prior to the granting of any variance, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the variance as is deemed necessary for the protection of the public interest and to secure compliance with the ordinance standards and requirements specified in the previous section of this application. In all cases in which a variance is granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met. If imposed by the Board of Adjustment, conditions shall be binding on the applicant if made a condition of the approval. (over)

Date Received by County: _____

Fee: \$150.00 to City

Acknowledgement and Certification of the Applicant and/or Owner:

I/We understand this application, and that it with required attachments, constitutes our entire request and that a decision shall be made based on the City Comprehensive Land Use Plan and City ordinances; this application and any attachments; and public input. I/We certify that the information we have provided to the Zoning Administrator and Board of Adjustment is complete, accurate, and true to the best of our knowledge. Any intentional falsification, or change in the information, or failure to meet and maintain the requirements contained in this application, or to the attached information, shall cause: this application to become null and void; the nonrefundable fee to be forfeited; and any approved variance request to be revoked.

I/We understand the nonrefundable fee for having a variance application considered is \$150.00. Under no circumstances shall all, or part, of this fee be refunded to applicant.

I/We understand if the variance is denied by the Board of Adjustment the applicant must wait a period of at least one (1) year before reapplying. Further, if the variance is approved by the Board of Adjustment, we have a period of time of one (1) year to establish the exception or it may be subject to revocation.

No permit may be issued until 30 days has lapsed since a variance was approved.

In order to address any questions or issues that may arise during this process, it is strongly suggested that the applicant/owner be present at all meetings during review of this application. Unanswered questions or unresolved issues caused by the absence of the applicant may cause the application to be rejected.

Applicant Signature

Owner Signature, if not the applicant

Date: _____

Date: _____