



Permit #: _____
Receipt #: _____
Fee: \$ _____

**CITY OF NEW HAMPTON, IOWA
VARIANCE APPLICATION TO BOARD OF ADJUSTMENT**

Applicant Information:

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

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 and names of property owners within two hundred (200) feet of the property in question.</i>

Request Information:

Existing Use of Property:
Existing Zoning Classification:
What specific standard(s) are you requesting a variance from (lot size, setbacks, etc.) (cite ordinance section being considered for varying):
What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.
Are there construction options or alternatives that may eliminate the need for a variance? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Reason for the Request, explain the practical difficulty that exists:
Assuming that a practical difficulty is demonstrated, and a variance justified, what measures are you willing to take to mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)?

Will the granting of the variance alter the essential character of the surrounding area? Explain why not:
Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

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 New Hampton Zoning Ordinance and the New Hampton 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.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under City Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

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.

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 this application considered is \$_____. 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 variance or it may be subject to revocation.

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: _____