ORLEANS VARIANCE APPLICATION REVIEW

Application No. _____ This variance application is: ☐ Recommended ☐ Not Recommended

Need Additional Information before Approval: _____

Comments: _____

Signed: _____ Date: _____

NWIPDC Zoning Reviewer

Zoning Variance Application

Orleans Zoning Board of Adjustment

Phone: (712) 336-8156 13880 253rd Avenue, P.O. Box 345 Orleans, Iowa 51360 Office Hours by Appointment

For questions, please contact Darren Bumgarner, NWIPDC, Zoning Permit Reviewer, (855)262-7225x143

1. APPLICATION IS MADE BY

☐ ☐ ☐

Name: _____ owner/developer/agent

(Please check one)

If applicant is not the owner, please list owner's name and address: _____

Street Address: _____

City, State, Zip: _____

Contact Number: _____

Email Address: _____

2. LOCATION

The premises affected by the variance are located at: _____

Legal Description _____ (Lot) _____ (Block) _____ (Subdivision)

A Variance is the changing of law in a specific instance in order to lessen a hardship caused by the zoning regulations. Regulations for Variances can be found under *Section 23.6. Variances of Article XXIII, Board of Adjustment* in the Orleans Zoning Ordinance. **Applicants must include the following:**

1. **Detailed Description of Variance Requested**.

2. **Criteria Which Justify the Variance *(see attached criteria, shall address hardship)***.

3. **Attach a separate sheet showing a sketch or site plan of the property in question; including lot lines, dimensions of the lot, existing/proposed structures, and distances from structure to lot lines and/or proposed changes being requested. Please provide electronic copy of plans.**

4. **An abstractor's certificate of name and address of all property owners within 200 feet of project. The cost of the same is the responsibility of the applicant.**

5. **Petition is to be accompanied by a non-refundable fee of $350.00. Submitting an application does not guarantee approval; the Board considers the applicant's information and the attached criteria when reviewing a request.**

Signed: _____ Date: _____

(Applicant)

**Application must include fee. Please save application and submit to City Clerk by mail with check included to P. O. Box 345, Spirit Lake, IA 51360. You can drop off an envelope with payment at City Hall.

CRITERIA FOR EVALUATING A VARIANCE

A "variance" is the changing of law in a specific instance in order to lessen a hardship caused by the zoning regulations. **To grant a variance, the Zoning Board of Adjustment takes into consideration the following four (4) factors**:

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 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 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. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

The Board of Adjustment's power to grant variances does not require approval by the City Council. If the applicant for a variance disagrees with a decision of the Board, an appeal may be filed with the District Court. Such petition of appeal shall be presented to the Court within thirty (30) days after the filing of the decision with the Zoning Administrator.

PROCEDURES FOR REQUESTING A ZONING VARIANCE

A Zoning Variance goes before the Zoning Board of Adjustment for consideration of approval.

1. Prior to requesting a variance, the petitioner should consult with the Zoning Reviewer (Northwest Iowa Planning & Development Commission staff) to determine if the request is within the power of the Board of Adjustment to grant.
2. The application shall be completely filled out, addressing all requirements of a variance.
3. A meeting of the Board of Adjustment will be held at City Hall. The Zoning Administrator will publish a notice of public hearing in the local newspaper of general circulation and will notify, by regular mail, neighboring property owners within 200' of the subject property.
4. Although not required, it is recommended that the applicant attend the Board of Adjustment meeting to answer any questions regarding the request.

ORLEANS VARIANCE APPLICATION REVIEW (FOR USE BY THE CITY OF ORLEANS ONLY)

This application presented by the applicant has been reviewed for compliance with the Orleans Zoning Ordinance.

This variance application is: ☐ Approved ☐ Denied as presented on this date: _____

If variance is denied, reasons for such denial: _____

_____

_____

Signed: _____ (Orleans City Clerk) Date: _____

Copy Sent to Applicant on: _____

Variance Fee Paid: ☐ Yes ☐ No $_____