



A PLACE TO PUT DOWN ROOTS P.O. BOX 267 • SOLON, IA 52333 • (319) 624-3755

OFFICE USE ONLY

Date Submitted: _____
Fee Paid: _____
Meeting Date: _____

APPLICATION TO THE BOARD OF ADJUSTMENT
~ VARIANCE ~

DATE: _____ PROPERTY PARCEL NO. _____

APPEAL PROPERTY ADDRESS: _____

APPEAL PROPERTY LEGAL DESCRIPTION: _____

APPEAL PROPERTY ZONE: _____ APPEAL PROPERTY LOT SIZE: _____

APPLICANT:

Name: _____

Address: _____

Phone: _____

CONTACT PERSON:

Name: _____

Address: _____

Phone: _____

PROPERTY OWNER:

Name: _____

Address: _____

Phone: _____

Specific requested variance; applicable section(s) of the Zoning Chapter: _____

Reason for variance request: _____

Date of previous application or appeal filed, if any: _____

APPLICANT'S JUSTIFICATION:

Chapter 166.03.4(C) of the Solon Zoning Code gives the Board of Adjustment power to authorize upon appeal in specific cases such variances from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code would result in unnecessary hardship. **No variance to the strict application of any provision of the Zoning Chapter shall be granted by the Board unless the applicant demonstrates that all of the following elements are present:**

(Please respond specifically to each of the following, explaining your answers. Attach additional sheet if needed.)

Special Conditions and Circumstances.

- a. Explain the special conditions and circumstances that 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. (What is different about your property from others in the same area that makes your project special?)

- b. Explain how the special conditions and circumstances that exist are not of the landowner's or applicant's own making or that of a predecessor in title. (Did you or a previous land owner create the difference noted in the above question?)

Literal Interpretation.

Explain how the literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Code. (How do other properties in your area have access to the same amenities you are seeking?)

Special Privileges.

Explain how, if granted, this variance will not confer any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same district. (No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.)

Not contrary to the public interest.

- a. Explain why the proposed variance will not threaten neighborhood integrity, or have a substantially adverse effect on the use or value of other properties in the area adjacent to the property included in the variance.

- b. Explain why the proposed variance will be in harmony with the general purpose and intent of the Zoning Code. (How will this project not impact the area in a negative way, which the Zoning Code was designed to protect against?)

NOTE: Conditions. In permitting a variance, the Board may impose appropriate conditions and safeguards, including but not limited to planting screens, fencing, construction commencement and completion deadlines, lighting, operational controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, limitations on the duration of a use or ownership or any other requirement which the Board deems appropriate under the circumstances, upon a finding that the conditions are necessary to fulfill the purpose and intent of the Zoning Chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of the Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Code in such district. (Chapter 166.03.4(C)7, City Code).

Date: _____, 20____

Signature(s) of Applicant(s)

Date: _____, 20____

Signature(s) of Property Owner(s)
if Different than Applicant(s)

Notice to Applicants

The Board of Adjustment shall permit variances to the District regulations set forth in the Zoning Code; consider safeguards and conditions as are appropriate under this Zoning Code; or deny variance requests when not in harmony with the purpose and intent of the Zoning Code. A variance may not be granted unless and until:

1. A written application for variance is submitted indicating the section of this Zoning Code, which the variance is sought, and demonstrating the following:
 - a. 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.
 - b. Literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Code.
 - c. The special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Notice of public hearing shall be given at least seven (7) days in advance of public hearing. The owner of the property for which variance is sought or any agent of said owner and any other affected property owners shall be notified by mail.
3. The public hearing shall be held. Any party may appear in person or by agent or attorney.
4. The Board shall make findings that the requirements of subparagraph (1) above have been met by the applicant for a variance.
5. The Board of Adjustment shall further 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 structures.
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 Zoning Code, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Code. 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 Zoning Code and punishable under Section 166.05 of this Zoning Code and/or the variance revoked. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of the Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Code in such district. The Board may prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the variance.

No decision of the Board of Adjustment granting a variance shall be effective until the decision is reviewed by the Council. The Council shall review decision of the Board of Adjustment granting variances at the Council's next regularly scheduled meeting following the meeting of the Board of Adjustment granting the variance. In reviewing a decision of the Board of Adjustment granting a variance, the Council may approve the decision of the Board of Adjustment, take no action on the decision of the Board of Adjustment, or remand a decision to grant a variance to the Board of Adjustment for further study. If the Council either approves the decision of the Board of Adjustment or takes no action, the decision of the Board of Adjustment shall be effective immediately. If a decision granting a variance is remanded to the Board of Adjustment, the effective date of the variance is delayed for thirty days from the date of the remand by the Council. Following remand, the Board of Adjustment shall meet as soon as possible, but no later than thirty days from the date of remand by the Council. The Board of Adjustment shall hold such hearings and consider such evidence as it deems necessary to review their prior decision granting a variance. The Board of Adjustment shall then either affirm or reverse its prior decision.

Board of Adjustment meetings are held on an "as needed" basis. The approval process will take approximately three to four weeks from date of application submittal to date of hearing.

Required Information Includes:

- _____ Completed Application, with applicant's signature and signature of owner(s) (if different than applicant).
- _____ 8.5x11 site plan, drawn to scale, larger sheets are acceptable if applicant will also furnish reduced copy. The site plan must show all easements on the property.
- _____ Payment of a non-refundable filing fee of \$65* for a variance request.
- _____ List of names and addresses of property owners within 300 feet of the exterior limits of the property involved in this appeal.
- _____ Additional information as is necessary to accurately and completely describe and explain the request.

* Filing fee may be refundable if the application is withdrawn prior to publication of legal notice and upon written request of the applicant.