

**APPEAL FOR VARIANCE
to the Board of Adjustment
for the City of Urbandale, Iowa**

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|---|-----------------------|-------------------------------|---|
| Appellant | Name: | Property owner | Name (Enter "SAME" if appellant owns the property): |
| | Address: | | Address: |
| | City, State Zip Code: | | City, State Zip Code: |
| | Phone Number: | | Phone Number: |
| | Email Address: | | Email Address: |
| Property Address for Appeal: | | Zoning District for Property: | |
| Case Numbers & Dates for Prior Appeals if any: | | | |
| Legal Description: | | | |
| <i>City Use Only: Date Appeal was received:</i> | | | |

This is an appeal for a variance from (check box and fill in blanks):

- Zoning Ordinance (Title VII, Chapter 2) Section _____
- Sign Ordinance (Title VI, Chapter 7) Section _____
- Driveway Ordinance (Title VII, Chapter 11) Section _____

I hereby depose and state that all information provided for this appeal on this and the following pages, and including all maps, drawings, and other documents submitted with and as part of this appeal, are accurate and factual to the best of my knowledge.

(Appellant's signature)

Date: _____

This appeal for variance is:

(Explain type of variance, amount of variance, what the Ordinance requires, and reason/purpose for variance)

(Example: "Setback variance of 1.25 feet from the 10-foot minimum side yard setback required in the "R-11" District, to construct a two-story house addition that is 10 feet wide and 24 feet deep.")

My appeal for a variance is based upon the following conditions with respect to unnecessary hardship created by the Ordinances, uniqueness of the property, meeting the spirit and intent of the Ordinances, and that there are no reasonable alternatives that would not require a variance or would require a variance of less magnitude:

- 1. The restrictions of the Ordinance create an unnecessary hardship or difficulty that prevents use of the property in a manner that is reasonably similar to other properties that are similarly zoned, and the hardship is not self-created, because:**

- 2. The property is unique and different from other properties that are similarly zoned, and the hardship created by the Ordinance is exceptional to this one property and not common or general to the neighborhood because:**

- 3. The spirit and intent of the Ordinance will be preserved; public health, safety and welfare will be secured; and the essential character of the neighborhood will not be altered if the variance is granted, and substantial justice will result, because:**

- 4. The following alternatives to the appeal have been considered and are not practical, there is no reasonable way to use the property in compliance with the Ordinance or by granting a lesser variance, because:**

Attach a site plan, elevations, floor plan, perspective, photographs, or other documents that are legible and neatly drawn to clearly illustrate the nature of the appeal and variance. Show the size and all dimensions of the property, proposed and required setbacks, height, etc. of all existing and proposed structures, and all other information relevant to the appeal.

The Board must find all of the above four conditions to exist (Ordinance creates a hardship, property is unique, etc.) to grant a variance.

DIRECTIONS AND INFORMATION

You or a representative **MUST** personally appear before the Board of Adjustment to present the appeal. The Board of Adjustment usually meets at 6:00 p.m. on the first Wednesday of each month in the City Council Chambers in the Administrative Offices Building, 3600 86th Street. A schedule of the Board's meeting dates and submittal deadlines is available from the Department of Community Development, 3600 86th Street, and is also available on the City's web site (www.urbandale.org)

Appellants are NOT allowed to contact or discuss appeals with Board of Adjustment members outside of the scheduled meeting, since the Board is a quasi-judicial body. The Board's decision is final once the Board's minutes have been received by the City Council, the Board has issued a written finding, and the statutory time for appeal has passed. The Board's decision can be appealed to District Court by the appellant or anyone aggrieved by the Board's decision.

The Board has five appointed members who are citizens of Urbandale. The Code of Iowa requires 3 affirmative votes to approve an appeal, regardless of how many Board members are in attendance.

Appellants may be represented by their legal counsel if the appellant desires, but legal representation is NOT required.

Filing requirements are as follows:

- 1. All appeals must be filed with the office Department of Community Development, 3600 86th Street, Urbandale, Iowa, and all appeals must use this form.** Appellants or their representative must complete this form and provide all necessary and relevant information by typing or printing legibly, and include a site plan, elevations, floor plan, perspective, photographs, and other documents that are legible and neatly drawn to clearly illustrate the nature of the appeal and variance. Show the size and all dimensions of the property, proposed and required setbacks, height, etc. of all existing and proposed structures, and all other information relevant to the appeal. All materials that are submitted, whether as part of the appeal or at the Board's meeting, become part of the Board's record and will NOT be returned.

Attachments and other supporting information should be clearly referenced and annotated to the relevant section of this form.

Submit an original copy of the appeal and one copy, including all attachments and other supporting information.

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2. If the appellant is NOT the record title holder of the property, the appellant must obtain the property owners' written consent and attach same to this appeal.
3. A submittal fee must be paid at the time the appeal is filed with the Department of Community Development. The fee is not refundable after City staff has begun preparation of any notice or report.
4. The appellant must provide the names and mailing addresses for all surrounding properties, for both title holders and contract buyers if any, for notification purposes. The appellant shall be completely and solely responsible for the completeness and accuracy of such information. City staff is responsible for providing notice in accordance with adopted Board procedures, using such information in addition to required legal publication of notice. Appellants do NOT need to obtain any of these surrounding property owners' permission to file an appeal.

(Usually there will be at least eight surrounding property owners, which include any across streets and diagonally from property corners in addition to those adjoining. If the property adjoins Urbandale's Corporate Limits, such property owners in the adjoining city or county must be included.)