

# APPLICATION FOR NORTH LIBERTY ZONING ORDINANCE VARIANCE



Please print or type the following information. Use additional sheets, if necessary. Owner/agent must submit an accurate scaled plot plan indicating the request.

Property owner's name:

Property owner's address & phone:

Owner's agent name & phone (if applicable):

Property legal description (lot, block, subdivision):

Property current zoning and current use:

Variance request:

**Please thoroughly read and complete the second page of this form, and be sure to include it in your submission. It outlines the criteria the City of North Liberty uses in reviewing and acting on variance requests.**

Signature of owner:

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*This section for staff use only.*

Application received by:  Date:

Date and time of Board of Adjustment meeting:

Board of Adjustment action:

Request granted. Conditions of approval:

Request denied. Reasons for denial:

\_\_\_\_\_  
Chairperson, Board of Adjustment

Attest: \_\_\_\_\_

**203.7.4 Decisions.** The Zoning Ordinance is a document that lays out very specific requirements deemed to be in the best interest of the city by the Planning and Zoning Commission and the City Council. In most cases, those requirements must be met by property owners and developers; however, in some rare cases the enforcement of those requirements may be found to cause extreme hardship for an individual, and a variance may be granted. Variances shall not be granted by the Board of Adjustment simply because no one objects, or because it seems harmless in an isolated circumstance. Any variance granted shall reflect the spirit and intent of the code and shall not constitute the granting of a special privilege. The following variance criteria is utilized by the Board of Adjustment in hearing variance requests. No variance shall be granted by the Board unless affirmative findings can be made for each of the applicable following criteria:

1. Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size; exceptional topographical features; or other extraordinary conditions peculiar to and inherent in the subject property and that relate to or arise out of the property rather than the personal situation of the current owner of the property; and that amount to more than a mere inconvenience to the owner.

Your comments:

2. Not Exclusively for Financial Gain. The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variance.

Your comments:

3. Hardship Not Self-Created. The unique or special condition referenced in subsection 1 above a. existed at the time of the enactment of the provisions of this Ordinance that affect it, or b. was the result of government action, other than adoption of this Ordinance, for which no compensation was paid, and has not been created by any persons presently having an interest in the property.

Your comments:

4. Substantial Rights Denied. Carrying out the strict letter of the provisions of the Zoning Ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

Your comments:

5. Not Special Privilege. The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

Your comments:

6. Not Detrimental. Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, nor increase the danger of flood or fire, or endanger the public safety, nor substantially diminish or impair property values in the vicinity.

Your comments:

7. No Other Remedy. There are no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

Your comments: