



Variance Instructions and Application Notice of Appeal to the Zoning Board of Adjustment

GENERAL

The following is a set of instructions to aid you in filing a variance request with the Marion Zoning Board of Adjustment.

Before filing your request, please contact the Planning and Development Department at Marion City Hall, 1225 6th Avenue, Marion, Iowa 52302 for a preliminary review of your proposed request.

After preparing the necessary information and documentation please confirm with city staff to ensure that all information is in proper form. Submit the variance request and the appropriate filing fees to the City of Marion.

INTENT

A variance is an exception granted by the Zoning Board of Adjustment from the zoning requirements of a particular zoning district. Variances can be granted when performance standards such as setbacks, cannot be met due to unusual physical site characteristics called "hardships". A hardship is related to the physical characteristics of the land, such as slopes and mature trees. The property owner must demonstrate that the variance request is necessary to alleviate a physical hardship caused by unusual circumstances and not to serve merely as a convenience to the property owner. Variances cannot be used to either establish or enlarge a use that is not otherwise permitted in the zoning district. Variance applicants usually become aware of the need for a variance because they have applied for a building permit and have been informed by the Marion Building Department that the structure does not comply with a requirement of the Marion Zoning Ordinance.

APPLICATION PROCEDURE

1. Confer with the Planning and Development Department staff regarding the general nature of the request.
2. Prepare the required documents and drawings and, if necessary, recheck with the Planning and Development Department to confirm that they are in proper form. Incomplete applications cannot be processed.
3. File the variance request with the Planning and Development Department and pay the \$50.00 fee for residential requests and \$100.00 for all other requests; plus the notification sign fee required for your lot, \$6.00 per sign (staff to determine number of signs needed).
4. Obtain variance notification signs from the Planning and Development Department. The signs must be posted on the property at least four (4) business days prior to the Marion Zoning Board of Adjustment meeting and remain posted through the time of the meeting. Failure to post signs will result in the Zoning Board of Adjustment being unable to act on the request.

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MATERIALS TO BE SUBMITTED

1. AN APPLICATION completed in full with any additional information referenced and attached.
2. A SKETCH MAP clearly indicating nearby streets, property lines, existing zoning districts and other significant features which have a bearing upon the request.
3. PAYMENT of \$50.00 fee for residential requests and \$100.00 for all other requests. Posted notice signs on the property are \$6.00 each; multiple signs are required for lots fronting multiple streets. Required public notices in the local paper will be billed directly to the applicant. Checks should be made payable to the City of Marion.

BASIS FOR VARIANCE(S)

It is the applicant's responsibility as the petitioner to demonstrate the need and desirability of the variance. The more facts you can present, the better your opportunities for a fair and valid decision. Specifically the Zoning Board of Adjustment will review your request to the following:

1. That the strict application of the terms of the Zoning Ordinance will imposed upon the property owner unusual and practical difficulties or particular hardship
2. That the variances granted is in harmony with the general purpose, intent and spirit of the Zoning Ordinance.
3. That the Board determines that the granting of the requested variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the Zoning Ordinance.
4. That the surrounding property will be protected.
5. That by granting the request for a variance, substantial justice will be done.

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CONTACT INFORMATION:

Owner: _____

Company Name if Applicable: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Applicant or Agent (if different from Owner): _____

Company Name if Applicable: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Applicant or Agent (if different from Owner): _____

Company Name if Applicable: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

PRE-APPLICATION INFORMATION:

Have you attended a pre-application conference with Staff? Yes: _____ No: _____

If yes, date of pre-application conference: _____

If no, contact the Planning and Development Department at 319-743-6320 or email tbellach@cityofmarion.org to schedule a pre-application conference prior to submittal of the application. Failure to conduct a pre-application conference may result in processing delays of your request.

PROPERTY INFORMATION:

Property Address (if different from Owner Information): _____

Legal Description: _____

Lot Size: _____ x _____ = _____ Square Feet (or attach a copy of Plat)

Zoning District: _____ Present Use of Property: _____

City Code Section regarding Conditional Use: _____

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GENERAL DESCRIPTION OF REQUEST:

Please provide a general description of the request. (Use additional sheets of paper if necessary)

SITE PLAN:

Have you attached a site plan? Yes: _____ No: _____

Please remember a site plan must be submitted and be to a reasonable scale. If you should require assistance please contact the Planning and Development Department.

IMPORTANT DATES AND TIMES:

- Zoning Board of Adjustment Deadline – Last weekday of the Month – 4:00 p.m.
- Zoning Board of Adjustment Regular Meeting – 3rd Tuesday of Every Month – 7:00 p.m.

It is requested that the appeal be set for hearing by the Chairperson of the Zoning Board of Adjustment in strict accordance with the provisions of the Code of Ordinances of the City of Marion. Property owner signature is required.

Name: _____
(Signature)

Date: _____