

Tiffin Variance Request Application:

Please complete and provide the following information.

11.08 VARIANCES APPLICATION AND PROCEDURE A variance from the terms of this Ordinance may not be granted by the Board of Adjustment unless and until:

A. Application for a Variance: A written application is submitted to the City Clerk, who will distribute copies immediately to the Building Official, Board of Adjustment, P&Z Commission, City Council, City Attorney and City Engineer. The application must demonstrate:

1. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Adopted November 14, 2007.
3. 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 non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts will be considered grounds for the issuance of a variance; and
4. That the special conditions and circumstances do not result from the actions of the applicant.
5. Diagram and / or site plan detailing particular property.

B. Public Hearing: Notice of Public Hearing must be published and posted for public, at least seven days in advance but not more than 20 days before of the public hearing in the manner required for a public hearing by the Iowa Code for cities the size of Tiffin. Notice must also be mailed to all property owners within a distance of 200 feet of the affected property both within and outside the boundaries of the City. The applicant is responsible for providing an accurate list of property owners and mail addresses for each owner of record.

The public hearing must be held. Any party may appear in person, or by agent or by attorney.

C. Finding: Upon the finding by the Board of Adjustment that the requirements of Section 11.08(A)(1-4) have been met by the applicant for a variance, the Board of Adjustment must 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 structure.

D. Safeguards and Violations: The Board of Adjustment must also make a finding that granting the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. 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 Ordinance and punishable under Section 13 Administration and Enforcement and Violations and Penalties.

E. Recording: The decision of the Board shall be recorded in the official minutes of the Board of Adjustment meeting.

Expiration of Variances: Variances granted by the Board of Adjustment expire one year from the date they are granted by the Board if the variance allows construction that is not initiated within that one year and completed by the following year.

F. Building Official will review Building Permit request and forward comments to City Hall to verify need for Variance Request. **City Engineer** and **City Attorney** will forward their respective comments regarding the Variance request to City Hall prior to Public Hearing and Board of Adjustments meeting.

G. Planning and Zoning Commission recommendation will be forward to Board of Adjustments prior to Public Hearing and meeting.

H. City Council will set date for Public Hearing and Board of Adjustments meeting during regular or special City Council meeting.

I. Applicant will be notified by City Clerk of:

1. Planning and Zoning Commission meeting date
2. Public Hearing Date meeting date and
3. Board of Adjustments meeting date.
4. Written report of Board of Adjustments decision.

J. Applicant should plan to attend the following meetings:

1. Planning and Zoning Commission meeting
2. Public Hearing
3. Board of Adjustments meeting

K. Questions: Contact the Building Official at 319-545-2572, between 8:00am and 4:30pm, Monday through Friday.