EMMET COUNTY, IOWA
ZONING VARIANCE APPLICATION

Phone: (712) 362-2609 Emmet Co. Assessor's Office 609 1st Avenue N 8:00 a.m.-4:30 p.m. M-F

Steve Hallgren, Zoning Administrator – (712-260-0913 *Emmet County Assessor's Office – (712) 362-2609*
Emmet County Engineer – (712) 362-4846 *Emmet County Public Health, Wells & Septic – (712) 362-2490*

PROPERTY OWNER INFORMATION

Name: _____ Cell Phone: _____

Address: _____

E911 Street Address of Project: _____

Email: _____

APPLICANT (If other than PROPERTY OWNER)

Name: _____ Cell Phone: _____

Address: _____

Email: _____

☐ Builder ☐ Contractor ☐ Other _____

SPECIAL NOTE: THE LOCATION OF PROPERTY LINES & EASEMENTS IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER. EMMET COUNTY DOES NOT AND WILL NOT LOCATE PROPERTY LINES OR EASEMENTS. THE COUNTY ACTS ON INFORMATION PROVIDED ON THIS FORM. INACCURATE INFORMATION ON THIS FORM CAN RESULT IN PERMIT NON-ISSUANCE, REVOCATION, AND/OR LEGAL ACTION. IT IS RECOMMENDED A LICENSED LAND SURVEYOR BE USED TO ESTABLISH THE LOCATION OF PROPERTY LINES.

LEGAL DESCRIPTION: Qtr _____ Qtr_____ Sec_____ Township _____ Range _____
or Subdivision_____ Block _____ Lot _____

A Variance is the changing of law in a specific instance in order to lessen a hardship caused by the zoning regulations. Regulations for Variances can be found under *Article 7, Board of Adjustment* in the Emmet County, Iowa Zoning Ordinance.

Applicants must include the following information:

1. DETAILED DESCRIPTION OF THE VARIANCE REQUEST What do you want to build? Describe in detail:

_____

_____

_____

_____

2. CRITERIA WHICH JUSTIFY THE VARIANCE *(see attached criteria, shall address hardship)*.

_____

_____

_____

_____

3. LIST OTHER PROPERTIES IN YOUR ZONING DISTRICT AND NEAR THE PROPERTY ENJOYING SIMILAR BENEFITS AND USED FOR SIMILAR PURPOSES FOR WHICH YOU ARE APPLYING:

_____

_____

_____

Has a previous variance appeal been filed in connection with this property? ☐ YES ☐ NO If Yes, when? _____

What is the owner/applicant's interest in the premises affected? _____

What is the **Zoning District** for this property? _____ What is the **Project Cost**? _____

Names and addresses of property owners within 200' of the property requesting a variance or Special Exception use (Information can be obtained by visiting Emmet County Parcel Search website at:
https://beacon.schneidercorp.com/Application.aspx?AppID=15&LayerID=121&PageTypeID=2&PageID=231)

EMMET COUNTY ZONING VARIANCE APPLICATION

CRITERIA FOR EVALUATING A VARIANCE

A variance is the changing of law in a specific instance in order to lessen a hardship caused by the zoning regulations. **To grant a variance, the Zoning Board of Adjustment (BOA) takes into consideration the following three factors**:

1. **Presence of Hardship** – Before the BOA can approve a variance, it must find that a hardship exists.
   - ✓ The term "hardship" is defined as conditions where enforcing the strict application of the zoning regulations will create conditions on your property unique to neighboring or other properties in the area
   - ✓ The inability to put a property to its most profitable use, monetary loss or gain, inconvenience to the owner, and the presence of deed restrictions or contract terms does not create hardship
   - ✓ The hardship must apply to the property in question and not to the surrounding area
   - ✓ Support from neighboring properties for a variance cannot be considered as the sole criteria for approval
   - ✓ A hardship cannot be the result of the property owner's own action. If someone is aware of zoning requirements which limit the use of the property, or a self-imposed created problem cannot be considered a hardship.

2. **Harmony With Intent of Zoning Regulations** – The BOA must determine that the variance is in harmony with the general intent of the zoning regulations and comprehensive plan. A variance should not be granted when a property owner is attempting to expand a legal "nonconforming use" or where an owner is applying for a "use variance." To do so would constitute an amendment to the zoning ordinance which can only be approved by the Board of Supervisors.

3. **Assurance of Public Safety, Welfare, and Justice** – The BOA must determine that the interests of the county are preserved and that this variance will not result in greater hardship on neighbors than benefit to the applicant.

The BOA's power to grant variances does not require approval by the County Board of Supervisors. If the applicant for a variance disagrees with a decision of the Board, an appeal may be filed with the District Court. Such petition of appeal shall be presented to the Court within thirty (30) days after the filing of the decision with the Zoning Administrator.

PROCEDURE FOR REQUESTING A VARIANCE

A variance goes before the Zoning Board of Adjustment (BOA) for consideration of approval.

1. An application should be submitted to the Emmet County Assessor's Office with a **$300.00** nonrefundable fee
2. The variance application must be completely filled out, addressing all information requested on the application
3. A meeting of the Zoning BOA will be held at the Courthouse. The county will publish a notice of public hearing in the local newspaper and will notify, by regular mail, neighboring property owners within 500 feet of the subject property
4. It is highly recommended the applicant or owner attend the BOA meeting to answer questions regarding the variance
5. If approved, a variance expires one (1) year after the approval date. If time elapses prior to the initiation of construction, a new variance application and fee is required to be filed and approved by the county
6. Applicant's responsibility to notify Iowa One Call (1-800-292-8989 or 811) before excavation, digging, or construction

SUBMITTING A VARIANCE APPLICATION DOES NOT GUARANTEE APPROVAL OF THE REQUEST

ACKNOWLEDGEMENT & SIGNATURE

The applicant, by signing, acknowledges and agrees to the conditions of this variance. I hereby will defend, indemnify, protect, and hold harmless Emmet County and its employees from any and all liability from any claim or cause of action which any person may claim to have by reason of any actual or alleged failure on the part of the undersigned applicant to comply with the terms and provisions thereof. I hereby certify that I have read and examined this application and its attachments and know the same to be complete, true, and correct. The granting of a variance does not presume to give authority to violate or cancel the provision of any other state or local laws. Any unauthorized change to the approved variance will render this permit void.

Signed: _____ Date: _____
Property Owner

Signed: _____ Date: _____
Contractor, Applicant, or other Authorized Representative (if Owner is not completing the work)

COUNTY OFFICE USE ONLY

Date adjoining property owners were notified: _____ Date of meeting: _____

Variance Approved: _____ Variance Denied: _____ Date letter sent notifying applicant of result: _____

Copy Sent to County Assessor on: _____ Variance Permit Fee Paid: ☐ Yes ☐ No

_____ _____
Chairperson, Zoning Board of Adjustment — Emmet County Zoning Administrator or Authorized Representative