

# CITY OF WALCOTT, IOWA

## *Developer's Handbook*

### VARIANCE

#### **Purpose.**

A variance is a reduction or exception to the specific requirements of the zoning ordinance such as a front yard setback or height limitation. Exceptions cannot be granted simply as a convenience to the applicant. Rather, the applicant must show that there is a specific characteristic of their property which makes the imposition of the standard city rule unfair to the property owner and can be called a "hardship". Additionally, a variance cannot be granted if it would impose a greater hardship upon a neighbor or the public than it would alleviate for the applicant.

#### **Procedure.**

1. **Filing an application.** Any property owner desiring a variance needs to submit a written application and drawings. Application forms can be picked up and returned to City Hall. There is a \$150.00 non-refundable processing fee for the variance application. The actual cost of the engineering fees related to the variance shall be charged to the applicant.
2. **Staff review.** After the application has been filed, the staff will review the application and publish a notice of a public hearing in The North Scott Press. Notices will be mailed to all property owners within 200 feet of the property involved.
3. **Board of adjustment meeting.** The Board of Adjustment is a quasi-judicial body authorized by the State of Iowa and the City of Walcott Code to interpret and give exceptions to the zoning code. It is the Board's duty to determine if any "undue hardship" exists in each specific case and, if so, to grant a reduction or exception to the specific requirements of the ordinance. At this public hearing, the City staff will present their report indicating what is involved in each request and possibly making a recommendation to the Board. Also, the Board will hear arguments from both those who support and those who oppose the variance request. This meeting is the only opportunity for citizens to provide input. The Board may approve, approve subject to conditions, or deny the request.

4. **Appeal.** Because the Board is a quasi-judicial body, there are no further appeals to any group within the city government. Any further appeals must be made to the Scott County District Court of the State of Iowa.

**Representation.**

It is suggested that someone knowledgeable with the project represent the applicant at the Board meeting in order to answer any questions that Board may have.

- **For specific code requirements refer to the Walcott City Code.**

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