

# APPLICATION TO THE BOARD OF ADJUSTMENT APPEAL

DATE: \_\_\_\_\_ PROPERTY PARCEL NO. \_\_\_\_\_

APPEAL PROPERTY ADDRESS: \_\_\_\_\_

APPEAL PROPERTY ZONE: \_\_\_\_\_ APPEAL PROPERTY LOT SIZE: \_\_\_\_\_

<b>APPLICANT:</b>	Name: _____ Address: _____ Phone: _____
<b>CONTACT PERSON:</b>	Name: _____ Address: _____ Phone: _____
<b>PROPERTY OWNER:</b>	Name: _____ Address: _____ Phone: _____

The Board of Adjustment is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the City Manager or designee in the enforcement of the Zoning Code or of any ordinance adopted pursuant thereto.

Please see 14-8C-3 in the Zoning Code for detailed information on the appeal procedure. Planning staff are available to assist applicants with questions about the appeal process or regulations and standards in the code.

Appeals to the Board of Adjustment shall be filed with the City Clerk within a reasonable time period, not to exceed 30 calendar days after the action appealed from. An appeal from a decision by the Building Inspector to issue a permit shall not be deemed to have been filed within a reasonable time if such appeal is filed more than ten (10) business days after construction work pursuant to such permit is observable from adjacent properties of the public right of way or ten (10) days after an alleged violation of the zoning code is similarly observable. [Applicants may appeal an approval or denial of a Certificate of Appropriateness from the Historic Preservation Commission within a conservation district by filing a letter with the City Clerk within ten(10) business days after a resolution is filed by the Commission.]

**Decision being appealed:** The applicant alleges that an error has been made by the following administrative official (list title) \_\_\_\_\_ on (date) \_\_\_\_\_ in enforcing the Zoning Ordinance in relation to the property listed above.

**Please indicate the section of the Zoning Ordinance cited in the official's decision:**

\_\_\_\_\_

**Purpose of the Appeal:** The applicant wishes to challenge the above decision based on the interpretation of the following section(s) of the Iowa City Zoning Ordinance. (This section of the code may or may not be different from the section cited in the decision being challenged.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Summary:** In the space provided below or on a separate sheet, summarize the basis for your appeal referring to the code sections listed above and providing sound reason(s) for overturning the decision. (Provide evidence demonstrating that the decision was based on an improper or erroneous interpretation of the Zoning Code.)

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**Remedy desired:**

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# Board of Adjustment: Frequently Asked Questions

## What is the Board of Adjustment?

The Board of Adjustment is a panel made up of Iowa City citizens appointed by the City Council. The board reviews and grants special exceptions and variances and also considers appeals when there is a disagreement about an administrative zoning decision made by the City. Members of the board act like judges, making decisions about individual properties and uses that may have difficulty meeting a specific zoning regulation or to resolve disputes about administrative zoning decisions. The actions and decisions of the Board of Adjustment are binding upon all parties unless overturned upon appeal to District Court.

## What is a special exception?

There are two types of special exceptions.

1. Within the zoning code a number of land uses are set apart as special exceptions that may be permitted in certain zones. Rather than permitting these uses outright, each is reviewed on a case-by-case basis to ensure that they do not negatively affect surrounding properties. For example, daycare centers are permitted in residential zones by special exception. The same is true of churches and private schools. All may be appropriate uses in residential zones, if certain criteria such as parking, screening, and other requirements are met.

2. Adjustments to specific zoning requirements in cases where there are unique circumstances. Again, the opportunity to adjust these requirements and the criteria for allowing such adjustments are described in the Zoning Code. For example, a homeowner may apply for a reduction in a building setback in order to accommodate an addition or other improvement to their property.

The Zoning Code lists explicitly each use and standard for which a special exception may be considered. In other words, you can't request a special exception for everything—only those things called out as special exceptions in the Code. The Code also provides criteria specific to each request. Applicants must provide evidence that they satisfy each of these criteria, and the Board must consider these criteria when making a determination as to whether to grant a special exception.

## What is a variance?

A variance grants a legal right to an owner to develop property in a manner that deviates from a specific provision of the Zoning Code and for which a special exception is not expressly allowed. In seeking relief from the restrictions in the Zoning Code, the property owner applying for the variance must show that the strict application of the Zoning Code would cause and unnecessary hardship such that the property in question is unusable or that a literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the zoning district. In addition the circumstances that create this hardship must be unique to the property in question and must not be of the property owner's own making.

## What is an appeal?

The Board considers and rules on appeals from any citizen who believes there is an error in any decision, determination, or interpretation made by the City or its designee in the administration of the Zoning Code. As with their other decisions, the Board's ruling is binding on all parties unless overturned on appeal to the District Court.

## How does the review process work?

An application requesting a special exception, variance, or an appeal is a request. The Board makes a decision on whether to grant a specific request only after City staff have provided a review of an application and the public has had an opportunity to make its concerns known. The Board not only has the right to approve or deny requests, but may also choose to approve request subject to certain conditions.

In making decisions, the Board may only consider comments and evidence relevant to the specific standards provided in the code. City Development Staff provide reports to the Board for each application on the agenda. The Staff Report provides background information on the application, informs the Board of all the criteria in the Code that a particular application must satisfy, and interprets whether and how an application has satisfied these criteria.

## How can I participate in the process?

Because most applications will be reviewed and decided upon at a single public hearing, it is important for interested parties to respond in a timely and informed manner. Those who wish to speak for or against an application are given an opportunity to be heard by the Board at the hearing, but may also submit written comments prior to the meeting.

Written comments must be delivered to the Department of Neighborhood & Development Services at City Hall no later than 5 days before the hearing in order to be included with the Staff Report. All correspondence submitted after that time will be delivered to the Board at the time of the hearing.

The Board considers the application, the recommendation of staff (in the staff report) and any additional information, correspondence, or testimony provided at the hearing. Board of Adjustment hearings are usually held on the second Wednesday of each month at 5:15 p.m. in Emma J. Harvat Hall in City Hall.

The Staff Report can be very useful to anyone who is unfamiliar with the BOA process or with the Zoning Code and will provide an understanding of the criteria that the Board must consider in rendering its decision. Staff Reports may be obtained from the Department of Neighborhood & Development Services. E-mail [sarah-walz@iowa-city.org](mailto:sarah-walz@iowa-city.org) to request a copy of a report.

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If you have questions about an application or if you simply want more information about issues related to the Board of Adjustment, please feel free to contact Sarah Walz at 356-5239 or e-mail [sarah-walz@iowa-city.org](mailto:sarah-walz@iowa-city.org).

To submit comments to the Board of Adjustment write to the Board of Adjustment c/o the Department of Neighborhood & Development Services, 410 E. Washington St., Iowa City IA 52240 or e-mail [boa@iowa-city.org](mailto:boa@iowa-city.org).

CITY OF IOWA CITY  
**Board of Adjustment**  
 2017 Application Deadlines

APPLICATION DEADLINE (12:00 p.m.)	MEETING DATE
December 9, 2016.....	January 11, 2017
January 13, 2017 .....	February 8, 2017
February 10, 2017 .....	March 8, 2017
March 10, 2017 .....	April 12, 2017
April 14, 2017 .....	May 10, 2017
May 12, 2017 .....	June 14, 2017
June 16, 2017 .....	July 12, 2017
July 14, 2017.....	August 9, 2017
August 11, 2017.....	September 13, 2017
September 15, 2017.....	October 11, 2017
October 13, 2017 .....	November 8, 2017
November 10, 2017 .....	December 13, 2017
December 8, 2017.....	January 10, 2018
January 12, 2018.....	February 14, 2018
February 16, 2018 .....	March 14, 2018

**APPLICATION FEES\***

Special Exception, Variance, or Appeal	<b>\$425</b>
Combination BOA Actions	<b>\$495</b>

\*These fees will be updated in February 2018 to reflect changes in the rate of inflation.

**Meeting time and location**

Board of Adjustment meetings are scheduled at 5:15 p.m. on the second Wednesday of each month in Emma Harvat Hall, City Hall, 410 East Washington Street. Attendees are advised to check the meeting agenda at [www.icgov.org/boa](http://www.icgov.org/boa) or contact the Department of Development Services at 319-356-5230 for possible change in a meeting agenda.

**For more information**

Contact Sarah Walz at 319-356-5239 or [sarah-walz@iowa-city.org](mailto:sarah-walz@iowa-city.org).

**Submit Application by Noon to:**  
 City Clerk's Office, City Hall, 410 E. Washington Street