



## **Appeal Application Guide**

### **Background-**

The Board of Adjustment considers and rules on appeals from any person who believes there was an error made in any order, requirement, decision, or determination issued by the City or its designee in the administration, interpretation, and/or enforcement of the Municipal Zoning Code. Tip: Decisions made by the building official or the fire chief regarding the Building Code or Fire Code may file an appeal to the Board of Appeals. As with their other decisions, the Board's ruling is binding on all parties unless overturned on appeal to the District Court. 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 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.]

### **Board of Adjustment-**

The Board of Adjustment is panel made up of Iowa City citizens appointed by the City Council. The board reviews and grants special exceptions and variances and 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.

### **Review Process-**

An application requesting a special exception, variance, or an appeal is a request. The Board decides 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 Planning 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.



### **Public Participation-**

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 and 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 and Development Services. Email [planningzoning@iowa-city.org](mailto:planningzoning@iowa-city.org) to request a copy of a report.

***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 us at 319-356-5230 or email [planningzoning@iowa-city.org](mailto:planningzoning@iowa-city.org). ***To submit comments:*** Write to the Board of Adjustment c/o Development Services, 410 E. Washington St., Iowa City IA 52240



CITY OF IOWA CITY  
**Board of Adjustment**  
 2020 Application Deadlines

APPLICATION DEADLINE (12:00 p.m.)	MEETING DATE
December 6, 2019.....	January 8, 2020
January 10, 2020 .....	February 12, 2020
February 14, 2020 .....	March 11, 2020
March 13, 2020 .....	April 8, 2020
April 10, 2020 .....	May 13, 2020
May 15, 2020.....	June 10, 2020
June 12, 2020 .....	July 8, 2020
July 10, 2020.....	August 12, 2020
August 14, 2020.....	September 9, 2020
September 11, 2020.....	October 14, 2020
October 9, 2020 .....	November 11, 2020
November 6, 2020 .....	December 9, 2020
December 11, 2020.....	January 13, 2021
January 8, 2021 .....	February 10, 2021
February 12, 2021 .....	March 10, 2021

**APPLICATION FEES\***

Special Exception, Variance, or Appeal	<b>\$460</b>
Combination BOA Actions	<b>\$535</b>

\*These fees will be updated in February 2021 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 us at 319-356-5230 or [planningzoning@iowa-city.org](mailto:planningzoning@iowa-city.org).



## **APPLICATION INSTRUCTIONS-**

It is the goal of the Department of Neighborhood & Development Services to provide adequate public notification all applications. For your application to be considered complete, you must provide responses to all required information below. Failure to provide this information may delay the hearing date for your application.

As the applicant, you bear the burden of proof for showing that the requested exception should be granted. Because this application will be presented to the Board of Adjustment as your official statement, you should address all the applicable criteria in a clear and concise manner.

### **Locations Tab**

#### **Add Location:**

Add the location of where the proposed project will occur. You may search for the location by parcel number or project address using the address number and street name only.”

### **Type Tab**

#### **Description:**

Please describe the situation concerning the appeal you are requesting. A pre-application meeting is recommended. Please contact Urban Planning staff for assistance in identifying Appeal requirements.

### **Contacts Tab**

#### **Add Contacts:**

Add required contacts, including the applicant, and the property owner or contact person if different from the applicant. Make sure contact information is current for each contact. When entering a name, try not to create duplicate copies of the same contact by searching the existing list first.

### **More Info Tab**

#### **Decision Being Appealed**

Cite the specific order, requirement, decision, or determination issued by the City or its designee in the administration, interpretation, and/or enforcement of the Municipal Zoning Code that the applicant believes was made in error.

#### **Date of Decision**

Cite the date the specific order, requirement, decision, or determination above was issued by the City or its designee.

#### **Title of Administrative Official Issuing Decision**

Cite the title of the Administrative Official that issued the specific order, requirement, decision, or determination above.

**Code Section Cited in Official's Decision**

Cite the Code Section that the Administrative Official used in issuing the order, requirement, decision, or determination above.

**Purpose of 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.

**Appeal Request Summary**

In the attachment, 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.

**Remedy Desired**

Indicate the desired outcome should an appeal successfully modify a previous decision.

**Attachments Tab**

Attach additional studies, plans, specifications and other documents if any to provide the information necessary to accurately review this appeal. File size is capped at 250 MB. Files may be rejected if illegible.

**Review and Submit Tab**

Make sure all the information is accurate and current. Staff will review the application for completion, after which they will contact you with the date your application will be considered by the Board of Adjustment. Additional questions can be emailed to [planningzoning@iowa-city.org](mailto:planningzoning@iowa-city.org) or by phone at 319-356-5230.