



101 North East Harvey, Grimes, Iowa 50111 515.986.3036 Fax 515.986.3846

Board Of Adjustment Packet

Submittal Deadline: 1st Business Day of the
Month

You are required to attend your hearing - by
agent

or in person

Please read packet thoroughly

PROCEDURES NECESSARY FOR APPEARING BEFORE THE BOARD OF ADJUSTMENT

- 1. Please carefully read the following page of the Grimes Code of Ordinances (attached) which states the conditions under which the Board of Adjustment may grant a variance. If you feel that your situation meets these conditions, then proceed with the application process. Part of that process includes addressing each one of these conditions and explaining how these apply to your request. If the Board of Adjustment cannot apply these conditions to your request, they cannot grant a decision in your favor and your application will be denied.**
- 2. Complete the “Appeal From Decision of Zoning Administrator and return this form along with the required attachment and the appropriate fees to City Hall. This information MUST be received by the first business day of the month. Any requests received after this date will not be processed until the following month.**
- 3. A fee must be paid with your appeal. The fee is based upon the zoning classification of your building/site. Please pay \$25 for residential, \$50 for Commercial and \$75 for Industrial. Your check should be made payable to the City of Grimes and submitted with your application. You will be given a receipt from the City Clerk.**
- 4. Once the packet has been returned to City Hall, the City Clerk will complete the Notice of Public Hearing Form and send to all persons within a 250-foot radius of your property. Notice is also published in the paper. Any interested person has the right to appear before the Board and express any comments or concerns they may have regarding your request.**
- 5. You, or a spokesperson for you must appear before the Board on the date of your hearing. The meetings are held the THIRD TUESDAY OF THE MONTH 5:30 p.m. AT THE GRIMES CITY HALL.**
- 6. Unless there are extenuating circumstances, the Board of Adjustment will take action on your request immediately following the Public Hearing. If your request is approved, you must resubmit a building permit application and obtain your building permit from the Zoning Administrator. If your request is denied, you have the right to appeal the decision to the District Court of the State of Iowa within 30 days following your hearing.**
- 7. If you have any questions, please contact Rochelle Williams at 986-3036.**

Appeal No. _____

Filed: _____

**BOARD OF ADJUSTMENT
CITY OF GRIMES, IOWA
CITY HALL**

APPEAL FROM DECISION OF ZONING ADMINISTRATOR

Appellant: _____

Address: _____

Owner: _____

Address: _____

To the Chairperson, Board of Adjustment:

I HEREBY APPEAL from the decision of the Zoning Administrator dated _____.

PREMISES AFFECTED is located on the _____ side of _____ Street/Avenue,
_____ feet _____ of the corner formed by the intersection of
_____ and _____ and known as Number _____ Street/Avenue.

Attached hereto is a copy of the decision rendered by the Zoning Administrator in acting on

Application dated _____, By _____

For _____.

**DESCRIPTION OF PROPOSED BUILDING
EXISTING**

(1) Size of Building:

At street level _____ Feet wide, _____ feet deep.

At typical floor level _____ Feet wide, _____ feet deep.

Height _____ Stories, _____ Feet.

(2) Occupancy: (Use of each floor) _____

Dwelling (Number of families) Present _____
Proposed _____

Industrial or Commercial: (Number of persons employed)
Present _____

Proposed _____

(3) Zoning District: _____

(4) Date of Present Use: _____

(5) Date of Erection: _____

(6) Character of Construction: Frame ____ Ordinary Brick ____ Fire Proof ____ Other ____

(7) Has any Appeal or Petition previously been filed with this Board on these premises? _____

If work constitutes an Alteration or Extension to any existing building, describe briefly.

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE FOLLOWING: (Note- all these papers must be submitted with the Appeal)

- (a) COPY OF DECISION OR ORDER OF ZONING ADMINISTRATOR on which appeal is based.
- (b) A TYPEWRITTEN statement of the principal points on which I base my appeal, with description of proposed work, if any.
- (c) ONE SET OF PLANS INCLUDING PLOT PLAN AND SECTIONAL DRAWINGS of the structure, with dimensions and compass points, illustrating clearly the points at issue.
- (d) LETTER OF AUTHORIZATION from owner or lessee.

I hereby certify that all of the above statements and the statements contained in the papers submitted herewith are true.

Date: _____ Applicant Signature: _____

165.40 BOARD OF ADJUSTMENT – POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.

2. Special Exceptions. To permit the following exceptions to the district regulations set forth in this chapter, provided all exceptions shall be their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas.

A. To permit erection and use of a building or the use of the premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

B. To permit the use of property in residential districts for off-street parking purposes as accessory to permitted residential district uses where said parking lots do not immediately adjoin the permitted residential district use.

C. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this chapter, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.

D. To issue permits and decide such matters as may be required by other sections of this chapter.

3. Variances; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures or buildings in other districts shall not be considered grounds for the issuance of a variance.

B. The Board of Adjustment shall make findings that the requirements of this subsection have been met by the applicant for a variance.

C. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

D. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, 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 chapter. Violation 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 chapter and punishable under Section 165.46 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.