



Pella Planning & Zoning Department
**APPLICATION TO
 BOARD OF ADJUSTMENT**

Document updated on January 1, 2020

SUBMIT COMPLETED TO:

City of Pella
 Planning and Zoning Department
 825 Broadway Street
 Pella, IA 50219

The Board of Adjustment shall have the power and duty to consider applications for administrative appeals, special use permits, variances, and minor modifications. No application will be accepted unless it complies with all the submittal requirements. Incomplete applications will not be accepted or reviewed by city staff.

APPLICANT INFORMATION

Name:

Address:

Phone:

Email:

PROPERTY OWNER INFORMATION

Name:

Address:

Phone:

Email:

SECTION 1. SUBJECT PROPERTY INFORMATION

Site Address:

Parcel ID:

Zoning District:

Total Acreage:

Project Summary:

SECTION 2. PROJECT TYPE (Check which applies. See additional requirements below.)

- A) Variance is requested to relieve the strict application of the provisions in the city's Zoning Code.
- B) Minor Modification is requested in accordance with Chapter 165.43.3.H of the city's Zoning Code.
- C) Special Use Permit is requested as allowed per Table 165.12-2 in the city's Zoning Code.
- D) Administrative Appeal of a decision or determination by city staff in the Zoning Code.

SUBSECTION 2A. VARIANCE INFORMATION

A variance is requested from Section _____ of the Pella zoning ordinance. The purpose of this request is to:

Please explain how the variance being requested will meet the following standards and criteria listed below.

1. Explain how the strict application of the zoning ordinance produces an unreasonable burden (i.e. hardship) and would deprives you of rights commonly enjoyed by other properties in the same zoning district or surrounding area.

2. Explain how the hardship is not shared by other properties in the same zoning district or surrounding area.

3. Explain how the variance, if granted, will not cause substantial detriment, harm, or damage to adjacent properties and will not change the character of the district or neighborhood.

4. Explain how the granting of this variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

5. Explain how the condition, or situation of the property concerned, is not so general or recurring, that it would be more practical to change the code section that you are seeking relief from to this Zoning Ordinance.

6. Explain how the granting of this variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.

7. Explain how the land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use.

SUBSECTION 2B. MINOR MODIFICATION INFORMATION

The Zoning Code allows the Board of Adjustment to review and authorize minor modifications in compliance with the applicable provisions outlined below. Please check which minor modification you are requesting.

- Reduce the required minimum front and rear yard setbacks for principal structures in the residential districts by no more than five feet, based on the setback standards.
- Reduce the required minimum interior and street side setbacks for principal structures in the residential districts by no more than two feet and five feet, respectively, based on the setback standards in the district.
- Increase the maximum height of a detached garage (measured from ground to roof's midpoint) in the residential districts to 20 feet or the height of the principal structure, whichever is less.
- Allow an addition to an existing legal nonconforming structure to extend no closer to the property line than an adjoining portion of the existing structure.
- Allow an increase in the aggregate maximum size of all accessory structures on a property by 15% above the square footage requirements allowed in 165.30(3.E).
- Reduce the minimum required front, interior and street side, and rear yard setbacks in the residential districts, without limit, as required to provide handicap accessible ramps to a dwelling or allow reconstruction of a historically accurate structure.

Please explain how the minor modification requested will meet the following standards and criteria listed below.

1. Will this request present any adverse, or unfavorable, impacts to the subject site or the surrounding properties?

2. Does this request substantially increase the congestion of buildings, people, or motor vehicles?

3. Will this minor modification endanger public health or safety, or otherwise be materially detrimental or harmful to nearby neighbors or the public at large?

4. If approved, will this request excessively tax public utilities or governmental services; or substantially injure the enjoyment, use, development, or value of the property in the vicinity?

5. Explain how the property in question will benefit by approval of the minor modification without negatively impacting the neighborhood.

SUBSECTION 2C. SPECIAL USE PERMIT INFORMATION

The Pella Board of Adjustment reviews SUP requests which have unusual site development or operating characteristics. The request shall comply with Table 165.37-1 of the zoning ordinance and the following criteria listed below.

1. Please provide a short description of the nature and operating characteristics that are proposed and explain how the proposed use will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan and Zoning Code.

2. Explain how the proposed use will not have a substantial, undue, or adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, or parking.

3. Explain how the proposed use will be constructed, arranged, or operated so as not to dominate the immediate vicinity or to interfere with the development and use of adjacent property in accordance with the applicable regulations.

4. Explain how the proposed use is served by essential public facilities and services? Such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

5. Explain how the proposed use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

6. Explain how the proposed use complies with all additional standards imposed on it by the provisions of the zoning district in which such special use may be authorized. Please identify which zoning district your business will be in.

SUBSECTION 2D. APPEAL STAFF DECISION INFORMATION

This request must be submitted to the Planning and Zoning Department within thirty days of the administrative action or decision being appealed. The appellant has the burden of proof and must be prepared to present plans to the Board of Adjustment at the scheduled public hearing.

Zoning Code Section(s) subject to Appeal: _____

Explain the decision made by staff which is being requested to be reviewed by the Board of Adjustment:

SECTION 3. REQUIRED APPLICATION DOCUMENTS

Applications will not be considered or accepted by staff unless the following items are completed and included:

- Pre-Application meeting with city staff – Date of Meeting: _____
- Application Review Fee – Residential: \$50.00; Nonresidential: \$200.00 (Checks payable to City of Pella)
- Conceptual Site Plan – Map illustrating the location of subject property and proposed project.
- Business Plan – Document summarizing business operations, services, projected sales, etc.
- Building Elevations – Drawings illustrating any proposed structure/building.

SECTION 4. ACKNOWLEDGEMENTS (Please check which applies)

I certify that ___ I am the legal owner on record, or ___ I have secured the property owner’s permission, to submit this application and that the above information is correct and complete to the best of my knowledge.

Printed Name and Signature of Applicant _____
Date

Printed Name and Signature of Property Owner _____
Date