
VARIANCE REQUEST INSTRUCTIONS

Intent

A variance is an exception granted by the Zoning Board of Adjustment from the zoning requirements of a particular zoning district. Variances can be granted when performance standards such as setbacks, cannot be met due to unusual physical site characteristics called 'hardships'. A hardship is related to the physical characteristics of the land, such as slopes and mature trees. The property owner must demonstrate that the variance request is necessary to alleviate a physical hardship caused by unusual circumstances and not to serve merely as a convenience to the property owner. Personal hardship or gain is not considered when granting a variance. For example, it may cost more to build within the set back requirements than closer to the street, but personal financing is not a 'hardship' related to the property.

Application Procedure

1. Before filing your request, please contact the Planning and Development Department at City Hall, 105 E Third Street, Room 300, Ottumwa, IA 52501, (641) 683-0606 for a preliminary review of your proposed request.
2. Prepare the required documents and drawings and, if necessary, recheck with the Planning and Development Department to confirm that they are in proper form. Incomplete applications cannot be accepted.
3. File the variance request with the Planning and Development Department along with the \$150.00 filing fee.
4. Obtain variance notification signs from the Planning and Development Department. The signs must be posted on the property at least seven (7) days prior to the Zoning Board of Adjustment meeting and remain posted through the date of the meeting. Failure to post signs will result in the Zoning Board of Adjustment being unable to act on the request.

Materials to be Submitted

1. The application completed in full with additional information referenced and attached.
2. A sketch map clearly indicating nearby streets, property lines, existing buildings and other significant features. The sketch map needs to show the proposed construction requiring the variance, including the measurements of the proposed construction and the distances to the property lines.
3. An aerial photo of the subject property and list of names and mailing addresses of property owners within a 200' radius.
4. A copy of the Wapello County Assessor's property record card for the subject property.
5. A letter to the Zoning Board of Adjustment explaining the variance request and hardship along with any supporting documents such as photographs of the existing property or plans for the proposed construction.
6. The application filing fee of \$150.00; checks should be made out to the City of Ottumwa.

Basis for Variance

It is the applicant's responsibility as the petitioner to demonstrate the need and desirability of the variance. The more facts presented, the better the opportunity for a fair and valid decision. Specifically, the Zoning Board of Adjustment will review each request for the following:

1. That the strict application of the terms of the Zoning Ordinance will impose upon the property owner unusual and practical difficulties or particular hardship.
2. That the variance granted is in harmony with the general purpose, intent and spirit of the Zoning Ordinance.
3. That the Board determines that the granting of the requested variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the Zoning Ordinance.
4. That the surrounding property will be protected.
5. That by granting the request for a variance, substantial justice will be done.