

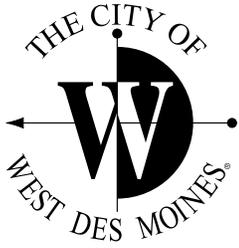
Development Application

Variance or Appeal



Community Development Department
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West Des Moines, IA 50265-0320
515-222-3620 (phone)
515-273-0602 (fax)
www.wdm-ia.com

Additional copies of this application and the appropriate
"project submittal requirements"
can be found on the City's website;
http://www.wdm-ia.com/asp/Forms/forms_list.asp



Variance/Appeal Application

NO VARIANCE APPLICATION CAN BE ACCEPTED FOR FILING UNLESS
ALL OF THE REQUIRED INFORMATION IS SUBMITTED.

The West Des Moines Zoning Board of Adjustment is empowered by Iowa law and by the Ordinances of West Des Moines to hear requests and make decisions on said requests in regard to certain appeals for variations in the Zoning Ordinance and for certain exceptions in the district regulations. The Board of Adjustment (Board) is a quasi-judicial body with authority to grant variance permits in exceptional cases when the request is consistent with the general purpose and spirit of the comprehensive plan and zoning regulations. The Board has no authority to allow a variance whose effect would be the establishment of a use not otherwise permitted by the Zoning Ordinance or to extend a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance. Specifically, the Board is limited to the following powers and duties;

1. Hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the director of community development, or designee in the enforcement of the zoning regulations in title 9 of the City Code.
2. To hear and decide special exceptions to the terms of title 9 of the City Code upon which such board is required to pass under title 9 of the code.
3. To authorize upon appeal in specific cases such variance from the terms of title 9 of the City Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of title 9 of the code will result in unnecessary hardship, and so that the spirit of title 9 of the code shall be observed and substantial justice done.

Approval by the board of adjustment shall only be granted if **all** of the following findings are made; or if conditions and limitations, as the board deems necessary, are imposed to allow it to make said findings. It shall be the responsibility of the applicant to prove to the satisfaction of the board that the findings can be made.

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable sub-area plan.
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones.
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest.
4. That there have been no changes in the character of the site or its surrounding which detrimentally affect the environment.
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

Applicant Information:

Name: _____

Address: _____

Daytime Phone Number: _____

Interest in Property: Warranty Title Holder _____
Contract Buyer _____
Lease Holder _____
Renter _____
Other _____

Name of Applicant's Representative or Person(s) that will be attending the Board of Adjustment meeting: _____

Daytime Phone Number: _____

Title Holder of Record: If applicant is not the Title Holder of Record (a contract buyer is **not** a title holder), the owner's name and address must also be given.

Title Holder Name: _____

Address: _____

Owner (if different from Title Holder): _____

Owner Address: _____

Owner Contact Number: _____

General Information:

Date Property was acquired: _____

Street Address of Property: _____

Zoning District Classification in which property is located: _____

**** All required drawings and documents as outlined on the associated "project type submittal requirement" sheet must be submitted at the time of the application in order for the project to be accepted and started in the appropriate review process.**

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CERTIFICATION:

NOTE: ALL APPLICATIONS MUST HAVE SIGNATURE(S) OF THE CURRENT PROPERTY OWNER(S) OR INDIVIDUAL WITH THE PROPER POWER OF ATTORNEY, NOTARIZED BY A CERTIFIED NOTARY PUBLIC (attach if necessary)

Part A: Owner's Signature and Consent

I/we, _____ being duly sworn, depose and say that I/we am/are the owner, owners, authorized representative for a corporate owner, person with power of attorney for the owner/owners, or a non residential tenant of said property. I/we personally swear and affirm that this application has been prepared in compliance with the requirements of the City of West Des Moines Municipal code as printed herein and that the statements and information above referred to are in all respects true and correct to the best of my/our knowledge and belief. Further, I/we hereby submit this development application for review and consideration by the City of West Des Moines, Iowa in compliance with the requirements of the City of West Des Moines Municipal Code.

I/we, _____ agree to grant the City permission to access said property for purposes of installing Public Notice sign(s) and completing the necessary on-site inspections, if applicable.

Signature of Legal Property Owner

Date

The above signed applicant appeared before me and personally subscribed and sworn before me on this _____ day of _____, 20____.
My commission expires on the _____ day of _____, 20____.

Signature of Notary Public; _____

Part B: Applicant's Signature and Consent
(Use only if the applicant is different from Property Owner)

I/we, _____ being duly sworn, depose and say that I/we hold legal interest in this property and do hereby submit this development application for review and consideration by the City of West Des Moines, Iowa in compliance with the requirements of the City of West Des Moines Municipal Code.

I/we, _____ agree to grant the City permission to access said property for purposes of installing Public Notice sign(s) and completing the necessary on-site inspections, if applicable.

Signature of Applicant

Date

The above signed applicant appeared before me and personally subscribed and sworn before me on this _____ day of _____, 20____.
My commission expires on the _____ day of _____, 20____.

Signature of Notary Public; _____

City Of West Des Moines Submittal Requirements
VARIANCE REQUEST

Application Fee - full fee is due at time of submittal

\$100.00 for Variance

- ♦ **The fee is not refundable unless the request is withdrawn prior to staff starting the review of the request**

Notification List Fee - The City of West Des Moines will prepare the property owner list for notification purposes

\$425.00 Notification List Preparation Fee (fee due at time of submittal)

- ♦ All other costs associated with surrounding property owner notifications, mailings and publications will be billed to the applicant after the fact and are payable to the City of West Des Moines. **These costs are not included in the variance application or notification list preparation fees**

A. Your submittal **must** include the following:

- A letter describing the project, identifying the project contact person(s) and any other information relevant for staff's review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal authority to apply shall be included in a certified form
- Completed application form
- One (1) 82 x 11" location map showing the proposed site location, adjacent existing land uses within five hundred (500) feet of the property, and general existing land uses within one thousand (1,000) feet of the property. **Location map must be to a discernable scale with the scale denoted**
- Twenty (20) copies of a site plan (24" x 36", **folded**)
- Two (2) reduced copies of a site plan (82" x 11")
- Other information deemed necessary by the Director of Community Development for the review of the proposed project

B. Your plan shall include at least the following:

- Date, compass point, legend of symbols, scale (written and graphic),
- Legal description including total area of the property
- Vicinity map that accurately represents the area including recent developments
- Assigned address(es)
- Land owner's and applicant's name, address and contact information
- Existing Comprehensive Plan land use classification
- Existing Zoning District classification
- Property boundary lines including dimensions
- Location and dimension of all setbacks
- Location, footprint, size and use of all buildings and structures, existing and proposed, and their relationship to setbacks
- Location of utilities, labeled with size, type, existing or proposed and whether public or private
- Location of existing easements for all utilities, rights-of-way, buffers, railroad, drainage facilities, etc... shall be shown and appropriately labeled with reserved width, type, book and page and whether they are public or private
- Location of all existing and proposed roads, alleys, streets and highways on or adjoining the subject property labeled with name, pavement width, half right of way widths dimensioned from centerline of right of way, full right of way width dimension and whether public or private
- Location and details of other site development features that are related to or impacted by the requested variance
- Other considerations pertinent to the proposal may be requested for illustration or statistical purposes

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