



# City of Sheldon

## Variance & Special Exception Use Application

**APPLICATION MUST BE FILLED OUT IN ITS ENTIRETY OR IT WILL BE RETURNED**

### PROPERTY & OWNER INFORMATION

Owner Name: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Address/City/State/Zip: \_\_\_\_\_

Address of Proposed Work: \_\_\_\_\_

Email: \_\_\_\_\_

### APPLICANT INFORMATION (If other than PROPERTY OWNER)

Builder: ☐ Contractor: ☐ Design Professional: ☐ Other: ☐ \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Address/City/State/Zip: \_\_\_\_\_

Address of Proposed Work: \_\_\_\_\_

Email: \_\_\_\_\_

Section(s) of the Zoning Code from which relief is requested: \_\_\_\_\_

### CITY OFFICE USE ONLY

Date approved: \_\_\_\_\_

Permit No. \_\_\_\_\_

Date expires: \_\_\_\_\_

Appeal No: \_\_\_\_\_

Subdivision (lot, block, subdivision name): \_\_\_\_\_

Required Yard Setbacks (by Ordinance)

Front: \_\_\_\_\_ Side: \_\_\_\_\_

Rear: \_\_\_\_\_ Side: \_\_\_\_\_

Fee: **\$150.00**

Date Paid: \_\_\_\_\_

Detailed description of the Variance or Special Exception Use being requested: \_\_\_\_\_

Criteria which **justify the granting** of a Variance or Special Exception Use. Define the **specific hardships** for which the Variance is being requested (for Variances only): \_\_\_\_\_

List other properties in your zoning district and near the property enjoying **similar benefits** and **used for similar purposes** for which you are applying for this Variance or Special Exception Use: \_\_\_\_\_

Has a previous application or appeal been filed in connection with this property? ☐ YES ☐ NO If Yes, when? \_\_\_\_\_

What is the owner/applicant's interest in the premises affected? \_\_\_\_\_

What is the **Zoning District** for this property? \_\_\_\_\_ What is the **Project Cost**? \_\_\_\_\_

Names and addresses of property owners within 200' of the property requesting a variance or Special Exception use (Information can be obtained by visiting O'Brien County Parcel Search website at: <https://beacon.schneidercorp.com/?site=O'BrienCountyIA>)

### VARIANCE & SPECIAL EXCEPTION USE - SITE PLAN REQUIREMENTS

Is a Site Plan attached? ☐ YES ☐ NO Information to be included for typical residential projects. Commercial and industrial projects along with new residential construction should provide drawings, architectural plans, or design plans along with this application or the zoning permit. No variance application will be accepted without a site plan.

- ✓ Draw the lot showing lot measurements. Lot measurements may be obtained from the O'Brien County Assessor's website  
*Note: Curb line is NOT the front property line. Where a sidewalk exists, the front property line is typically the inside edge of the sidewalk.*
- ✓ Show all existing and proposed new buildings or structures
- ✓ Show the dimensions of all new proposed building or structures
- ✓ Show the distance between all existing and proposed buildings and the nearest lot or property lines
- ✓ Label adjacent streets and indicate alleys and easements as applicable. Use directional arrow to indicate north.

The city reserves the right to require additional information, including blueprints, necessary to review the proposed project.



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### POLICY STATEMENT BY THE BOARD OF ADJUSTMENT

The Sheldon Board of Adjustment is granted the authority under the provisions of Section 25.5 of the Sheldon Zoning Ordinance to grant or deny administrative reviews, special exception uses, or variances. The intent of a particular district regulation of this ordinance shall take precedence over personal convenience of an applicant. Approvals shall be granted only when the applicant can prove that a literal enforcement of a provision of the ordinance will result in an unnecessary hardship. Before the Board grants approval of a special exception use under the zoning ordinance, the following conditions must be met by the proposed as designated by the ordinance as a Special Exception Use in the district in which the use is to be located and will comply with all applicable regulations of the district in which the use is located. The applicant hereby certifies that a variance or special exception use permit:

- (a) Will not be contrary to the intent/purpose of the ordinance.
- (b) Will not be substantially adverse upon adjacent properties.
- (c) Will relate only to the property under control of the applicant.
- (d) Will not essentially alter the character of the surrounding area.
- (e) Will not increase the hazard from fire, flood, or similar dangers.
- (f) Will not increase traffic congestion.
- (g) Will not produce nuisance conditions upon nearby premises.
- (h) Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the city.

The Board of Adjustment's power to grant a variance does not require approval by the city council. If the applicant for a variance disagrees with a decision of the Board of Adjustment, an appeal may be filed with the District Court. Such petition of appeal shall be presented to the court within thirty (30) days after the filing of the variance decision with the Zoning Administrator.

### PROCEDURE FOR REQUESTING A VARIANCE

A variance goes before the Zoning Board of Adjustment for consideration of approval.

1. The variance application must be completely filled out, addressing all information requested on the application. Return completed variance application to Sheldon City Hall.
2. A meeting of the Zoning Board of Adjustment will be held at City Hall. The city will publish a notice of public hearing in the local newspaper and will notify, by regular mail, neighboring property owners within 200 feet of the subject property.
3. Although not required, it is recommended the applicant and/or owner requesting the variance attend the Board of Adjustment meeting to answer any questions regarding the request or project.
4. If approved, a variance expires one (1) year after the approval date. If time elapses prior to the initiation of construction, a new variance application and fee is required to be filed and approved by the city.
5. It is the applicant's responsibility to notify Iowa One Call (1-800-292-8989 or 811) before excavation, digging, or construction begins.

**RETURN COMPLETED AND SIGNED VARIANCE/SPECIAL EXCEPTION USE APPLICATION TO CITY HALL. SUBMITTING A VARIANCE OR SPECIAL EXCEPTION USE APPLICATION DOES NOT GUARANTEE APPROVAL OF SUCH.**

### ACKNOWLEDGEMENT & SIGNATURE

The applicant, by signing, acknowledges and agrees to the conditions of this permit; and that the provisions of the Sheldon Zoning and Subdivision Ordinances and the Sheldon Code of Ordinances may be applicable to the submitted project. I hereby will defend, indemnify, protect, and hold harmless the City of Sheldon and its employees from any and all liability from any claim or cause of action which any person may claim to have by reason of any actual or alleged failure on the part of the undersigned applicant to comply with the terms and provisions thereof. I hereby certify that I have read and examined this application and its attachments and know the same to be complete, true, and correct. All provisions of laws and ordinances governing this type of work shall be completed with whether specified herein or not. I agree and will provide notification of any change prior to construction. The granting of a variance or special exception use permit does not presume to give authority to violate or cancel the provision of any other state or local laws regulating construction or the performance of construction. The approved permit allows the construction of the proposed building/structure as noted on this application and any submitted documentation. Any unauthorized change to approved permit and plans, or use of property, as presented will render this permit null and void.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Property Owner

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Contractor, Applicant, or other Authorized Representative (if Owner is not completing the work)

### CITY OFFICE USE ONLY

Date adjoining property owners were notified: \_\_\_\_\_ Date of meeting: \_\_\_\_\_

Petition Approved: \_\_\_\_\_ Petition Denied: \_\_\_\_\_ Date letter sent notifying applicant of result: \_\_\_\_\_

\_\_\_\_\_  
Chairperson, Board of Adjustment

\_\_\_\_\_  
Sheldon Zoning Administrator/Authorized Representative