

## **BLACK HAWK COUNTY BOARD OF ADJUSTMENT REQUEST FOR APPEAL VARIANCE PRINCIPLES**

The Board of Adjustment (BoA) plays a critical role in hearing and deciding appeals from an individual aggrieved by the literal enforcement of the Black Hawk County Agricultural Preservation Zoning Ordinance. This appeal for a “variance” may be granted in a specific instance in order to alleviate an unavoidable hardship.

For all practical purposes, the applicant **must prove** that a hardship does exist and must satisfy all criteria that have been established. The Board of Adjustment shall not vary the regulations unless there is evidence presented to it in each specific case that:

1. The variance will not be contrary to the public interest, will be in harmony with the general purpose and intent of the Ordinance and substantial justice will be done.
2. Where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship.
3. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
4. That the variance will not be injurious to the surrounding landowners, or otherwise detrimental to the public welfare.

Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of the Ordinance in the District involved, or any use expressly or by implication prohibited. A variance will not be granted solely on the grounds of mere personal or economic hardships.

If a variance is sought to permit a structure within four feet or less of a property line, the request must be accompanied by a certified survey that shows the location of the proposed structure in relation to the property lines.

Special conditions shall include but not be limited to a property owner who can show that the property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations, the strict application of the terms of the Ordinance actually prohibit the use of the property in a manner reasonably similar to that of other property in the district.

The applicant shall be held responsible to provide adequate evidence that the literal enforcement of the Ordinance will result in unnecessary hardship. “Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the provisions of the Ordinance, and the plight of the landowner is due to circumstances unique to the property and not created by the current or previous property owner.

**BLACK HAWK COUNTY BOARD OF ADJUSTMENT REQUEST FOR APPEAL****APPLICATION INFORMATION:**

Applicant's Name (please print): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_  
Status of Applicant: (a) Owner\_\_\_\_ (b) Other\_\_\_\_ (CHECK ONE) If other explain:  
\_\_\_\_\_

Property Owner's Name if different than above (please print): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**REQUEST INFORMATION:**

The Request is a (CHECK ONE)  
\_\_\_\_ It is an Appeal for an Interpretation of the Ordinance or Map.  
\_\_\_\_ It is a request for a variance relating to the (CHECK ONE):  
\_\_\_\_ Use \_\_\_\_ Area \_\_\_\_ Frontage \_\_\_\_ Yard/Setback (other) \_\_\_\_\_  
Reference to the Section(s) of the Ordinance Requested for Variance: \_\_\_\_\_

Remarks (Description of Variance): \_\_\_\_\_

**PROPERTY INFORMATION:**

Legal Description of Area to be Platted (print below or attach separately):  
\_\_\_\_\_  
\_\_\_\_\_

General Location of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Area of Proposed Plat Excluding Right of Way (Minor Plat Only): \_\_\_\_\_

Zoning District: \_\_\_\_\_

The land will be utilized for: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Request Fee of \$125 (payable by check to Black Hawk County) is required. *Black Hawk County will never ask for electronic payment.* The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Board of Adjustment in making their decision. The undersigned agrees that if this request is granted, actual construction will proceed in accordance with the purposes herein stated and authorize County Zoning Officials to enter the property in question regarding the request. **Please Note:** Any request approved by the Board of Adjustment can be reviewed by the Board of Supervisors or appealed to the District Court. Any construction proceeded with is at risk of the applicant.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**BLACK HAWK COUNTY BOARD OF ADJUSTMENT REQUEST FOR APPEAL  
APPLICANT'S STATEMENT**

The request meets the standards for a variance because:

The variance will not be contrary to the public interest and will be in harmony with the general purpose and intent of the Ordinance for the following reasons:

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Where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship (where strict application would prohibit the use of the property in a manner reasonably similar to that of other property in the district) (special conditions must be unique to the property and not created by the current or previous property owner) for the following reasons:

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The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and the property in question cannot be put to a reasonable use without issuance of the variance for the following reasons:

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That the variance will not be injurious to the surrounding landowners, or otherwise detrimental to the public welfare for the following reasons:

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Other Comments:

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