

**City of Waterloo**  
**Planning & Zoning Department**  
**715 Mulberry Street Waterloo, Iowa 50703**  
**319-291-4366**

**BOARD OF ADJUSTMENT – APPLICATION TO APPEAL**

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 use, area, frontage, setback or height

SITE ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPLICANT: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

PROPERTY OWNER (if different than applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Pursuant to the provision of Ordinance No. 2479, as amended – appeal is hereby made to vary or modify the order, requirement, decision or ruling of the Zoning Official of the City of Waterloo, Iowa.

ATTACHED HERETO AS PART OF THIS APPEAL, WE SUBMIT THE FOLLOWING: (Note: These papers and the filing fee **must be submitted** with the appeal in order for your request to be processed.)

1. A reference to the proper part and section of the Zoning Ordinance on which the variance is requested.

\_\_\_\_\_  
\_\_\_\_\_

2. A scale drawing and/ or other graphic documentation of all relevant details.
3. A brief narration setting forth the specific grounds for appeal.
4. A check in the amount of two hundred twenty five dollars (**\$225**), payable to the City of Waterloo.  
**Note:** This is a filing fee and is non-refundable, even if the request is denied.
5. A petition of approval by surrounding or affected adjacent property owners (recommended).

We the undersigned hereby depose and say that all of the above statements contained in the papers submitted herewith are true, and authorize City Zoning Officials to enter the property in question in regards to the request.

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

DO NOT WRITE BELOW THIS LINE

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: Y \_\_\_ N \_\_\_

Mailed to Chairman on: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

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**Board of Adjustment  
“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 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 **appellant must prove that hardship does exist and must satisfy all criteria** that have been established for defining “hardship”. This criteria is divided into three parts:

1. Lack of Reasonable Return – You, as an applicant, must demonstrate that the effected property cannot yield a reasonable return if used only for a purpose allowed in that zoning district. Failure to obtain a reasonable return may be evident by the following proof:
  - a. That the Zoning Ordinance restricts the land to non-productive uses; or
  - b. That the uses for which the land was originally zoned are no longer feasible.It must also be proven that none of the permitted uses under the Zoning Ordinance can be reasonably applied.

A variance will **not** be granted solely on the grounds of mere **personal** or **economic hardships**.

2. Uniqueness – The plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood. The uniqueness is most clearly shown by the peculiar shape, unusual topography, or exceptional physical characteristics of the property, such as, the irregularity, narrowness, shallowness, size or shape of a lot. This unique circumstance must not be of your own making.

Please note that the unique features of a particular parcel of land, by themselves, do not support the granting of a variance.

3. Public Considerations – The use to be authorized by the variance will not alter the essential character of the surrounding neighborhood. It must be proven that a variance will not impair use of adjacent property, detrimentally affect the public welfare, alter the character of the neighborhood, or endanger the nature and purposes of land use plans.

If it is determined that the neighborhood character will be disrupted by incompatible development, introduction of possible safety hazards and creation of dangerous traffic problems, the requested variance shall be denied.

As part of this Application to Appeal, **you must satisfactorily prove** that “unnecessary hardship” exists in the criteria described above. You are encouraged to incorporate this proof within the brief narration setting forth the specific grounds for appeal.