

Variance Application – Applicant’s Letter of Intent

The *burden of proof* of “unnecessary hardship rests upon the applicant and, without such proof, a Variance must be denied. Also, the hardship must be created by the ordinance, not by the applicant. The Monona County Board of Adjustment should keep in mind what the Iowa courts have said unnecessary hardships is shown by establishing all of the following elements while considering each application for a Variance from the Monona County Zoning Ordinance.

- The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; and
- The plight of the landowner is due to unique circumstances and not to general conditions in the neighborhood; and
- The use to be authorized by the variance will not alter the essential character of the locality.

For the Monona County Board of Adjustment to grant a Variance, the applicant is responsible for responding to all of the Standards outlined below in the form of a written narrative. This written narrative shall be submitted with the applicant’s Variance application.

STANDARDS

1. Explain the *purpose or intent* of the Variance request. Who is seeking the Variance and why?
2. Explain how any special conditions and circumstances which are peculiar to the land, structure or building(s) involved on the applicant’s property are *not applicable* to other lands, structures or building in the same Zoning District.
3. Explain how the literal interpretation of the provisions of the Monona County Zoning Ordinance would *deprive* the applicant the rights commonly enjoyed by other properties within the same Zoning District under the terms of the Zoning Ordinance.
4. Explain how the special conditions and circumstances peculiar to the land, structure or building(s) involved on the property do not result from the *actions of the applicant*.
5. Explain how the granting of the Variance will not confer or bestow onto the applicant any *special privileges* that would otherwise be denied by the Zoning Ordinance to other lands, structures, or buildings in the same Zoning District.
6. Explain, how if granted, this request for a Variance will be in harmony with the general purpose and intent of the Monona County Zoning Ordinance and *not interfere* substantially with the Monona County Comprehensive Plan.
7. Explain, how if granted, this request for a Variance will not impair an adequate supply of light and air to adjacent properties, increase the hazard from fire, diminish the value of land and buildings, increase congestion and traffic hazards, and otherwise impair the public health, safety, and general welfare of Monona County.
8. Explain, how if granted, this request for a Variance is the *absolute minimum* Variance that will make possible the *reasonable use* of the land, building or structure.
9. Explain why the property in question cannot yield a reasonable return if used only for a purpose allowed in the zone where the property is located.

