



MARION COUNTY ZONING DEPARTMENT
214 EAST MAIN ST.
KNOXVILLE IA 50138
OFFICE: 641-828-2231 x9
CELL: 641-218-0243

Melissa Poffenbarger, Zoning Administrator
mpoffenbarger@marioncountyiowa.gov

Karie Ellwanger, Asst. Zoning Administrator
kellwanger@marioncountyiowa.gov

VARIANCE APPLICATION

55.39

VARIANCES.

1. No variation in the application of the provisions of the Zoning Code shall be made unless and until the Board of Adjustment shall be satisfied that granting the variation will not:

- A. Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.
- B. Impair the general purpose and intent of the regulations and provisions contained in the Zoning Code.
- C. Impair an adequate supply of light and air to adjacent properties.
- D. Increase the hazard from fire and other danger to said property.
- E. Diminish the value of land and buildings in the County.
- F. Increase congestion and traffic hazards on public roads.
- G. Otherwise impair the public health, safety, and general welfare of the inhabitants of the County.
- H. Practical difficulties are unique to the property and not self-created; granting the variance will not significantly alter the essential character of the surrounding neighborhood.

2. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Code and punishable under Section 55.34.

3. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by the Zoning Code to render a decision.

4. It is not the intention to grant to the Board of Adjustment the power or authority to alter or change the Zoning Code or the District Maps. Such power and authority rests solely with the Board of Supervisors, in the manner provided in Section 55.40.

5. A non-refundable application fee for a variance shall be paid in full to the Zoning Administrator at the time the application is made, with the amount of said fee in accordance with a fee schedule adopted, from time to time, by resolution of the Board of Supervisors.



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55.40 DECISIONS OF THE BOARD OF ADJUSTMENT.

1. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Code, provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.
2. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
3. Any taxpayer, or any officer, department, board, or bureau of the County, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.
4. Whenever any application for a Special Use Permit, variance, or appeal of any order, requirement, decision, or determination made by the Zoning Administrator shall have been denied by the Board of Adjustment, then no new application covering the same matter shall be filed with, or considered by the Board of Adjustment, unless new evidence has been introduced, until one year shall have elapsed from the date of filing of the first application.



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VARIANCE APPLICATION

To be considered for a VARIANCE APPLICATION you must submit the following:

- 1) Completed application
- 2) Payment of \$300 (payment of fee does not guarantee approval and is non-refundable)
- 3) Site plan outlining the site conditions and variance that is being requested.

APPLICANT NAME (if other than owner): _____		
MAILING ADDRESS: _____		
PHONE: _____	EMAIL: _____	
SIGNATURE: _____	DATE: _____	
OWNER NAME (if other than applicant): _____		
MAILING ADDRESS: _____		
PHONE: _____	EMAIL: _____	
SIGNATURE: _____	DATE: _____	
<u>PROPERTY INFORMATION</u>		
PROPERTY ADDRESS: _____		
PARCEL #(s): _____	SEC/TWP/RNG: _____	ZONING DISTRICT: _____
LEGAL DESCRIPTION: _____		
Is property located in a Subdivision? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, name of Subdivision: _____		
Is property located in floodplain? <input type="checkbox"/> No <input type="checkbox"/> Yes		
DESCRIPTION OF VARIANCE REQUEST		
<i>(Please use the lines below to describe the Variance being requested. Please attach additional information, if necessary.)</i>		

