



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
BOARD OF ADJUSTMENT APPEAL**

**City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613**

**General Information:** The Planning and Community Services Division of the Department of Community Development of the City of Cedar Falls is responsible for enforcing the City Zoning Ordinance. If you feel that the local Zoning Ordinance imposes unreasonable restrictions upon the use of your property, you may appeal to the Board of Adjustment to correct for such unreasonable restrictions. It is your responsibility, to prove to the Board of Adjustment that the Zoning Ordinance, as applied in your case, produces unnecessary hardship or deprives you of reasonable use of your property. The Board of Adjustment is authorized to approve variance requests only in those cases where the applicant successfully demonstrates an unnecessary hardship or where the ordinance deprives all reasonable use of the property.

The attached forms are required to be submitted to the Board of Adjustment before your appeal can be heard. It is important that all forms be correctly completed and submitted to the Community Services Division within the specified deadlines.

Please take time to carefully complete the form entitled "Appeal Justification." It is your responsibility to demonstrate to the Board of Adjustment that your appeal satisfies the variance criteria that are listed on page 8 of this application.

Applicants are requested to refrain from contacting or attempting to influence Board of Adjustment members prior to the scheduled public hearing.

**Deadline:** The Board conducts their regular meetings on the fourth Monday of the month. If a holiday falls on the fourth Monday, the meeting will be on the preceding Monday. Applications must be submitted by 5 PM three weeks prior to the regular meeting. Below is the schedule of meetings.

2016		2017		2018	
Application Deadline	Regular Meeting	Application Deadline	Regular Meeting	Application Deadline	Regular Meeting
1/4/16	1/25/16	12/30/16	1/23/17	12/29/17	1/22/18
2/1/16	2/22/16	2/6/17	2/27/17	2/5/18	2/26/18
3/7/16	3/28/16	3/6/17	3/27/17	3/5/18	3/26/18
4/4/16	4/25/16	4/3/17	4/24/17	4/2/18	4/23/18
5/2/16	5/23/16	5/1/17	5/22/17	4/30/18	5/21/18
6/6/16	6/27/16	6/5/17	6/26/17	6/4/18	6/25/18
7/1/16	7/25/16	7/3/17	7/24/17	7/2/18	7/23/18
8/1/16	8/22/16	8/7/17	8/28/17	8/6/18	8/27/18
9/2/16	9/26/16	9/1/17	9/25/17	8/31/18	9/24/18
10/3/16	10/24/16	10/2/17	10/23/17	10/1/18	10/22/18
11/7/16	11/28/16	11/6/17	11/27/17	11/5/18	11/26/18
11/28/16	12/19/16	11/27/17	12/18/17	11/26/18	12/17/18



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
BOARD OF ADJUSTMENT APPLICATION**

**City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613**

Applicant's Name: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Applicant's Email: \_\_\_\_\_ Daytime Phone #: \_\_\_\_\_

Nature of Appeal: \_\_\_\_\_

Legal Description: \_\_\_\_\_

**A COMPLETE SUBMITTAL INCLUDES:**

- Completed Application
- Nonrefundable fee of \$350.00
- Legal description of property
- Appeal Justification
- Site Plan (property survey may be needed)
- Notification to abutting property owners

Special Exception Permit (above items including the following)

- Property survey
- Floodplain Elevation Certificate, if applicable
- Statement by professional engineer indicating that proposed work will be constructed in accordance with all applicable floodplain performance standards and the work will not increase the 100-year (1%) flood level or affect the capacity or conveyance of the channel or floodway.

To the best of my knowledge the foregoing and attached statements are true and correct, in addition the owner agree to comply with all requirements of code of ordinances of the city of Cedar Falls and the work will be done under those provisions.

\_\_\_\_\_  
Property Owner/Applicant's Signature Date: \_\_\_\_\_



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
BOARD OF ADJUSTMENT APPLICATION**

**City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613**

**TO:** Cedar Falls Board of Adjustment Applicant

**RE:** Approval of Variance Requests by the Cedar Falls Board of Adjustment

You may be considering submittal of a request for variance or a special exception permit to the Cedar Falls Board of Adjustment. As you consider your options in this matter please consider the following information.

When variances or special exceptions are approved, the successful applicant typically proceeds ahead with construction and or lot improvements in accordance with the Board's directive. Applicants are normally eager to proceed immediately (even though State law specifically allows other parties to legally contest approval of the variance or special exception). Iowa State Code provides that any aggrieved party (including any taxpayer or any officer, department, board or bureau of a municipality) may file a petition in District Court challenging a decision of the Board of Adjustment. Said petition must be filed within 30 days from the date of the Board of Adjustment decision.

In consideration of this fact, City legal staff has recommended the following actions following a Board of Adjustment approval of a variance or special exception request:

1. Withhold issuance of any building permit related to the variance request until the 30-day appeal period has expired, or
2. Require the petitioner (i.e. property owner) to sign a waiver stating that all claims the property owner may have against the City of Cedar Falls are waived relating to any possible future outcome regarding a Board of Adjustment appeal.

The purpose of the attached waiver is to protect the City against any claims of liability arising out of building permit issuance in the case of a contested Board of Adjustment decision. Please be advised that if your particular variance request is approved by the Cedar Falls Board of Adjustment, City staff will not issue any building permits for a period of thirty (30) days unless the property owner signs the attached waiver statement.

Please feel free to contact Planning and Community Services with comments or questions at 319.273.8600.

**WAIVER**

The undersigned, Petitioner for the granting of a variance or special exception to the Zoning Ordinance of the City of Cedar Falls, Iowa for property at \_\_\_\_\_ is fully aware that any aggrieved party may appeal to the District Court of Black Hawk County for a review of a Cedar Falls Board of Adjustment ruling; that such right of appeal exists for a period of thirty (30) days from the date of the Board of Adjustment decision in this matter.

By requesting a Building Permit in the City of Cedar Falls, Iowa, according to the terms authorized by the Cedar Falls Board of Adjustment, the undersigned hereby waives any and all claims that they or it may have against the City of Cedar Falls, Iowa upon the granting of a Building Permit and further agree that the undersigned will abide by any court order which results from the appeal to the above named court which may include the removal and restoration of any and all construction that may take place prior to and after a court decision regarding the subject matter of the Petition to the Cedar Falls Board of Adjustment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Date of Board of Adjustment Decision: \_\_\_\_\_

By: \_\_\_\_\_

Owner of Property at: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness: \_\_\_\_\_

## **Board of Adjustment Notice to Abutting Property Owners**

Notice of Appeal to abutting property owners is required as specified in Sec. 29-59(c) of the City Code. This Notice informs abutting property owners that a variance appeal is being requested and also notifies abutting property owners of the date, time, and place of the Board of Adjustment hearing. This Notice in no way indicates approval of or objection to the variance request. Statements in support or against the variance request will be considered at the Board of Adjustment hearing.

It is the responsibility of the applicant to determine the names and addresses of abutting property owners. If one or more abutting property owners do not sign the petition, certified mail receipts will be accepted as proof of Notice.

Abutting property owners are those owners of property immediately adjacent to the front, rear, and sides of the applicant's property lines. Normal barriers such as streets or alleys shall be excluded when calculating the number of property owners that receive Notice.

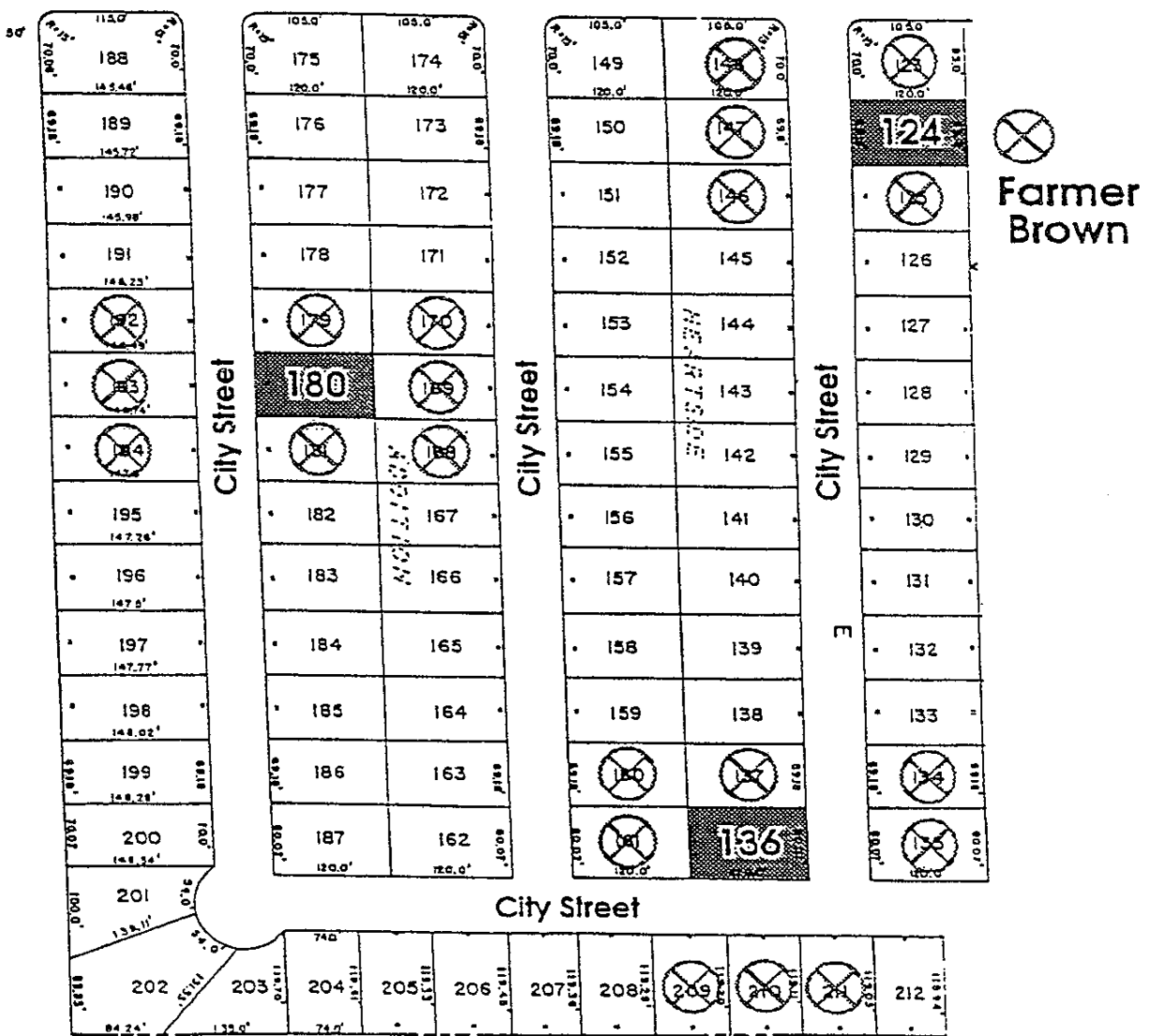
The diagram on the following page illustrates the number of property owners that would have to be notified in typical neighborhoods. Please note that if a railroad right of way, or other unusual property lies near yours, that owner (i.e.: the railroad) needs to be contacted as well.

The completed Notice to abutting property owners must be submitted to the Planning and Community Services Office no later than ten (10) days before the scheduled Board of Adjustment meeting. Failure to submit this material by the deadline may result in rescheduling your application for the next regularly scheduled Board meeting. The Board of Adjustment regularly meets on the fourth Monday of each month at 7:00 P.M.

# Board of Adjustment Notice to Abutting Property Owners

## Example

If the property owner located on lot #180 were applying for a variance, they would be required to notify and receive signatures from those owners of lots 168, 169, 170, 179, 181, 192, 193, and 194. Other examples are provided for illustration. It is the responsibility of the **APPLICANT** to identify and contact the adjacent property owners.



**BOARD OF ADJUSTMENT  
NOTICE OF APPEAL TO ABUTTING PROPERTY OWNERS**

TO: Owners of property abutting \_\_\_\_\_  
\_\_\_\_\_, Cedar Falls, Iowa.

FROM: \_\_\_\_\_, (Applicants).

DATE: \_\_\_\_\_

This notice is to advise you that \_\_\_\_\_  
is/are approaching the Cedar Falls Board of Adjustment with a request to vary the terms of the  
local Zoning Ordinance. If approved, it is intended to alter the property as follows:

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

A Public Hearing will be held at the City of Cedar Falls City Hall Duke Young Conference Room, 220 Clay Street, Cedar Falls, Iowa on \_\_\_\_\_, at \_\_\_\_\_ p.m. You are invited to attend this meeting and will be given the opportunity to speak for or against the request. Your signature hereon does not constitute your approval of the request. Additional information is available by contacting the Cedar Falls Planning and Community Services office at 273-8606.

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# BOARD OF ADJUSTMENT APPEAL JUSTIFICATION

Variance Applicant:

Because zoning regulations are uniform in nature and apply equally to all properties in Cedar Falls, applicants are responsible for providing information to the Board of Adjustment justifying variance approval. A variance is proper only if all four of the following are criteria satisfied:

1. There is no adverse effect on the neighborhood or nearby properties.
2. There is no adverse effect on the public; the variance will not conflict with the City Comprehensive Plan.
3. The property has characteristics making it eligible for a variance; judicial terms such as unique, special, exceptional, extraordinary and the like suggest that a variance is proper only when the property is somehow physically different from other property in the same neighborhood or zoning district. These “unique” characteristics of the property may create a “hardship” in meeting the terms of the zoning regulation.
4. The zoning regulation, if literally applied, deprives the owner all reasonable use of the property.

A variance request meeting the four tests noted above is generally construed to mean that the zoning regulation is creating an unnecessary hardship, thereby warrants approval of the variance.

In the space provided below (use additional pages if necessary), please explain the specific characteristics of your request which you feel justify variance approval. You must convince the Board of Adjustment that the Zoning Ordinance regulation in question is creating a severe hardship, that the property is unique, and that the regulation will for all practical purposes deprive you reasonable use of the property under the terms of the Zoning Ordinance.

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# Land Use Property Sketch – City of Cedar Falls, Iowa

IF RESIDENTIAL: \_\_\_ Owner Occupied \_\_\_ New Rental \_\_\_ Registered Rental

1. ZONING \_\_\_\_\_
2. PRINCIPLE USE \_\_\_\_\_
3. LOT AREA \_\_\_\_\_
4. BUILDING HEIGHT \_\_\_\_\_
5. EASMENTS \_\_\_\_\_

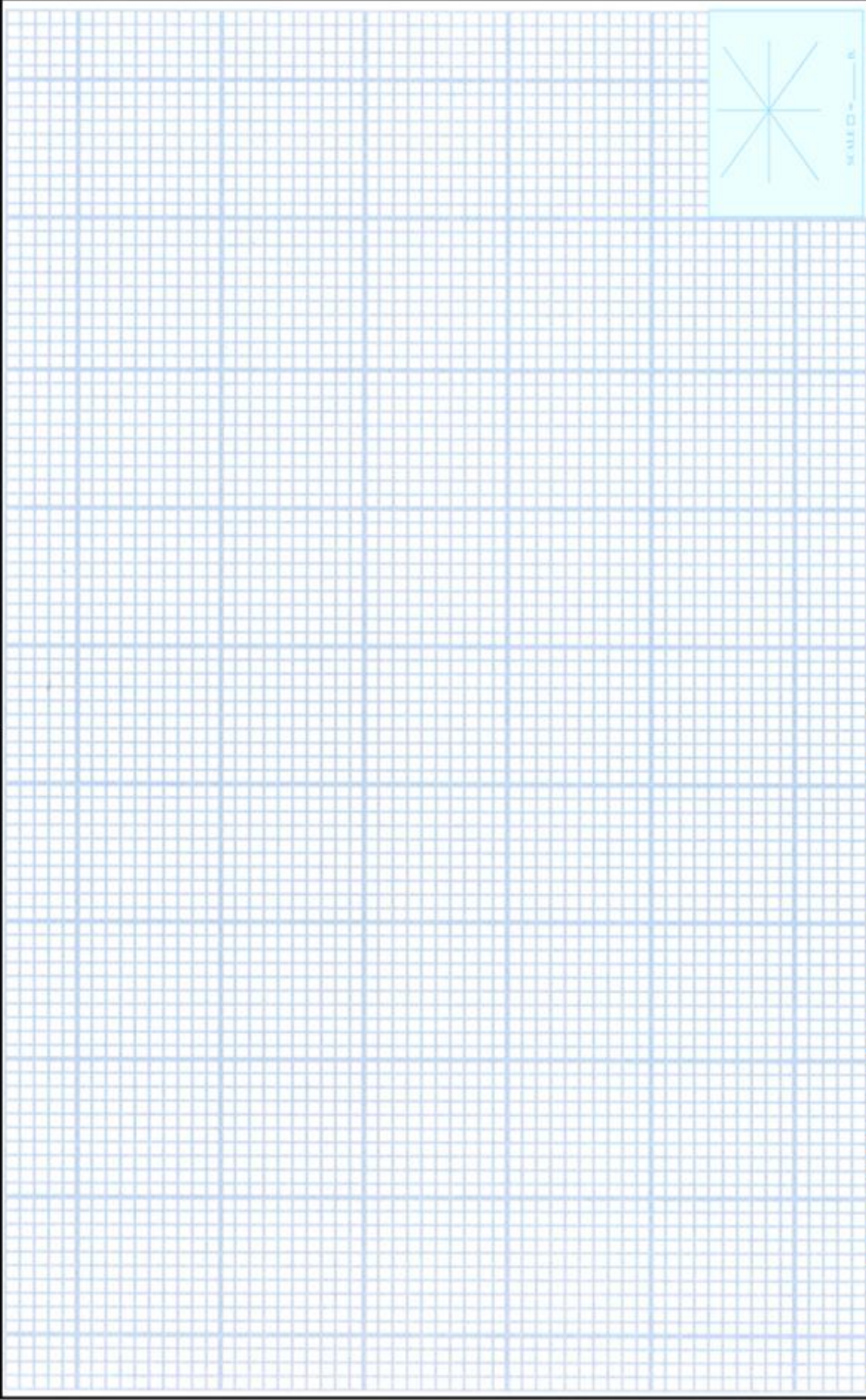
Description of proposed work & use: \_\_\_\_\_  
 Address of proposed construction: \_\_\_\_\_

**OWNER**

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_  
 PHONE \_\_\_\_\_

**CONTRACTOR**

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_  
 PHONE \_\_\_\_\_



**Applicant—Accept No Verbal Authorization/Any Questions Call: Engineering 268-5161 • Building Inspection 268-5161 • Zoning Admin.**

# Land Use Property Sketch – City of Cedar Falls, Iowa

IF RESIDENTIAL:  Owner Occupied  New Rental  Registered Rental

1. ZONING R-1

2. PRINCIPLE USE Residential

3. LOT AREA 8712 sqft

4. BUILDING HEIGHT Garage 13ft

5. EASMENTS East 5ft

Description of proposed work & use: Addition and detached garage

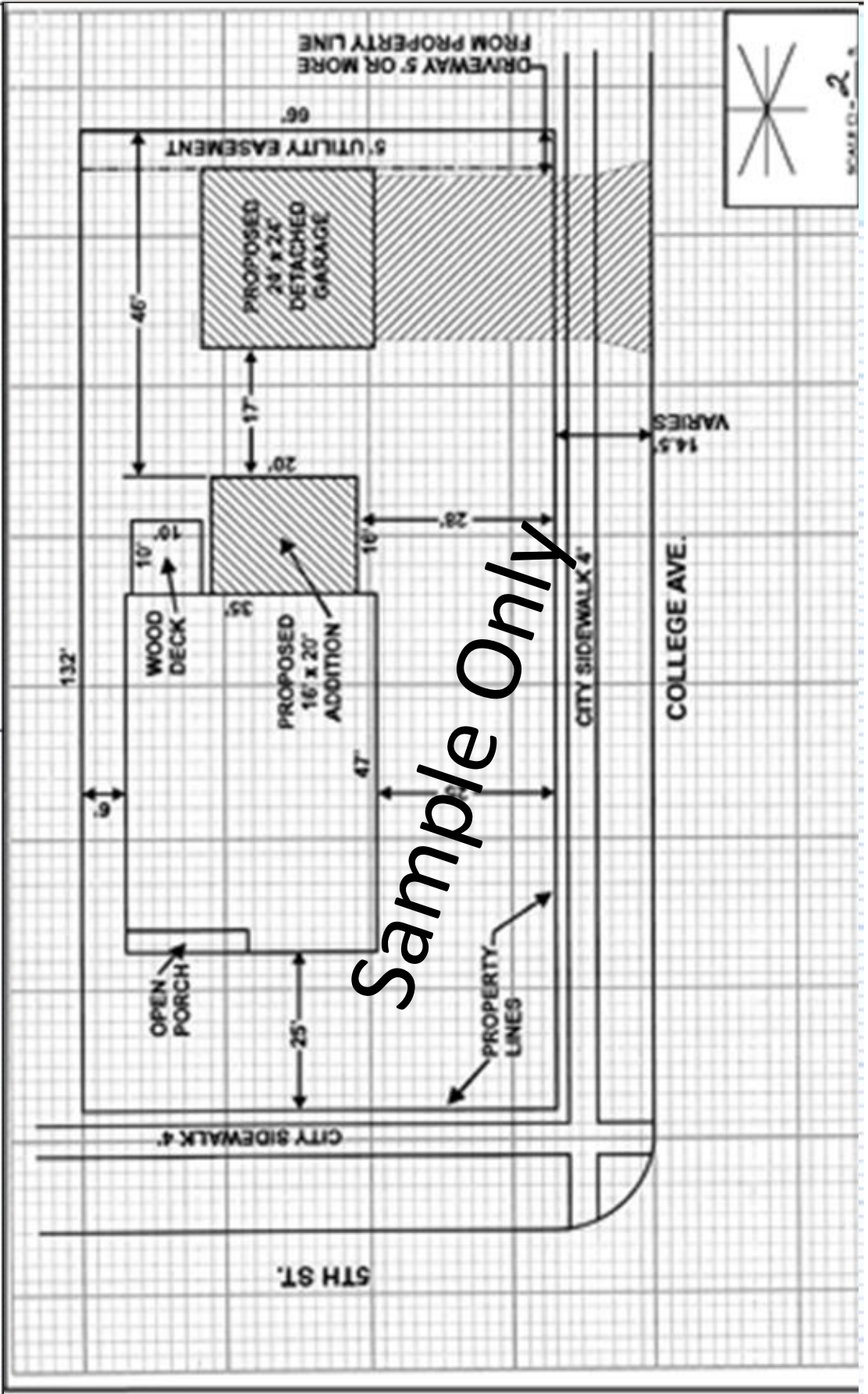
Address of proposed construction: 1234 5<sup>th</sup> Street

OWNER NAME John Doe CONTRACTOR NAME Same as owner

ADDRESS 1234 5<sup>th</sup> Street ADDRESS \_\_\_\_\_

CITY Cedar Falls CITY \_\_\_\_\_

PHONE 123-4567 PHONE \_\_\_\_\_



Sample Only