



BUILDING CODE APPEALS BOARD

*APPLICATION FOR
VARIANCE REQUEST*

BUILDING CODE APPEALS BOARD VARIANCE APPLICATION

INSTRUCTIONS FOR REQUIRED INFORMATION

***NO REQUEST FOR VARIANCE CAN BE ACCEPTED FOR FILING UNLESS
ALL OF THE REQUIRED INFORMATION IS PRESENTED***

1. GENERAL INFORMATION. The Clive Building Code Appeals Board (BCAB) is empowered by Iowa law and by ordinance to hear requests for variance(s) and to make decisions on said requests pertaining to the Building Regulations. The Building Code Appeals Board is a five-member quasi-judicial body with authority to grant variances in exceptional cases and is limited to such cases that are consistent with the general purpose and spirit of the building code regulations. The BCAB has no authority to allow a variance that would have the effect of establishing a non-conforming use. The BCAB has no authority to allow a variance whose effect is not in harmony with the intended spirit and purpose of the Building Regulations. Specifically the BCAB is limited to the powers and duties as outlined in the Clive City Code, Chapter 2-2-4 - Building Code Appeals Board.

2. MEETING DATES. The Building Code Appeals Board meets at 5:30 p.m. on the third Thursday of each month. Submittal of all the information does not in any way guarantee that the application will be placed on the next available BCAB agenda. All BCAB meetings are open to the public and are held in the Council Chambers of City Hall, 1900 NW 114th Street, Clive, IA.

Following review of the case by BCAB, the case will be placed on the next available City Council Agenda. City Council meets the 2nd and 4th Thursdays of each month at 7:00 p.m. in the Council Chambers in City Hall. Council reviews the BCAB minutes and may, at Council's discretion, remand the case back to the BCAB for further study. If remanded, the case will be placed on the following BCAB agenda for further review. Once the case is remanded back and reviewed by the BCAB, the decision of the BCAB is final unless the case is appealed in a court of law.

3. FILING DEADLINE: The deadline to file an application for variance with the BCAB is 4:30 p.m. the first day of the month of the BCAB meeting. All materials must be filed in the Community Development Department Office at 1900 NW 114th Street.

NOTE: Be sure that you have all required materials at that time. Failure to do so may result in your request for variance being delayed to the next regularly scheduled meeting.

4. FILING FEE: A \$275.00 filing fee is required at the time the materials are filed with the Community Development Department office. The fee covers administrative expenses and legal notification of surrounding property owners within 310' of the

property in question. No request for variance is to be considered filed until this fee is received.

Payment of said fees must be submitted with the application. The fee shall be paid at the Community Development Department office, 1900 NW 114th Street. Make all checks payable to the City of Clive. The fee is nonrefundable unless the request for variance is withdrawn prior to staff sending out notices.

5. SUPPORTING INFORMATION: The applicant must submit supporting information that clearly states the variance being requested. It is suggested that photos or other displays accompany the request.

6. SUPPORTING INFORMATION FORM: The BCAB may grant a variance provided that practical difficulties or unnecessary hardships exist and that request is not purely economic in nature; that the application of the provisions would be arbitrary in this specific case; that the variance is not contrary to the public interest; and that the spirit of the Building Regulations is upheld. The Supporting Information form addresses these issues and asks for responses to each of the "tests" in order to grant a variance. The Supporting Information form must be completely filled out in order to process the application for a variance.

7. ADDITIONAL INFORMATION: If you have questions about this form, or should you require additional information regarding the variance process, please contact the Community Development Department at (515) 223-6221.

CASE NO. _____
(City use only)

BUILDING CODE APPEALS BOARD

APPLICATION FOR VARIANCE

All required information must be presented before acceptance of application.
The applicant must complete all sections in bold for review to begin.

Please type or print:

1. Date: _____

Applicant Name: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone Number: _____
(Home) (Work)

E-Mail Address: _____

2. Location of Property

Street Address: _____

Legal Description: _____

Zoning Classification: _____

This request for variance cannot be processed until all required materials are submitted. In addition to this application, the following information is required for submission. On a separate sheet of paper please type or print the following:

- 3. Response to the attached supporting information form.**
- 4. Photos and/or displays, if appropriate.**
- 5. Application fee**

An application is not considered filed until filing fee is paid.

This request for variance will not be granted unless sufficient facts are presented in this application and at the BCAB hearing to support a positive finding by the BCAB. In

support of this request, a Supporting Information form shall be completed by the applicant(s).

Approval of this request for variance by the Building Code Appeals Board in no way absolves the applicant from subsequently obtaining the necessary development approvals, such as site plan, building permits, etc. from the City of Clive or any other applicable agency.

I (We) certify that I (We) have been notified that our property is not in compliance with current building regulations and I (We) have submitted all the required information to request for a variance and that such information is factual.

Signed by: _____ **on date:** _____
(Owner)

or: _____ **on date:** _____
(Owners Agent)

(City Use Only)

HEARING DATE: _____

FEE PAID: _____ RECEIPT NO: _____

DATE FILED: _____

BUILDING CODE APPEALS BOARD ACTION

APPROVED: _____ (Date) DENIED: _____ (Date)

COUNCIL ACTION

REMANDED: _____ (Date) DENIED: _____ (Date)

SUPPORTING INFORMATION FORM

The Building Code Appeals Board is authorized to grant a variance provided all the following tests are satisfied. On a separate piece of paper, address each issue below:

1. The Building Code Appeals Board must make a finding that there are practical difficulties or unnecessary hardships, not of the applicant's own doing and not purely economic in nature, in carrying out the provisions of the code and that such difficulties or hardships are not generally applicable to other properties. Supporting evidence from a professional contractor, engineer or other professional may be necessary to support the request for variance. The Board may require additional documentation in order to grant a variance.
2. That the effect of the application of the provisions would be arbitrary in the specific case.
3. That in granting a variance, such variance would not adversely impact the intended spirit and intent of the provisions of the code in preserving the health, safety and welfare of the occupants, neighbors and general public.