

City of Long Grove, IA

Variance Guideline and Checklist

- Application and all necessary supporting documents filed and presented to the Zoning Officer 48 business hours in advance of a regularly scheduled P&Z/Board of Adjustment meeting (held at 7:00 pm the third Monday night of the Month) .
 - This is done in order to give the Board of Adjustment advance notice of meeting and to obtain a quorum.
- Zoning Officer will put the variance request on the agenda, post the meeting at City Hall, online, and Post Office 24 hours in advance.
- The Zoning Officer will email the P&Z/Board of Adjustment the variance request and supporting documentation 24 hour in advance.
- The Board will meet at the regularly scheduled time (7:00 pm the third Monday of the Month) to review the initial application.
 - Applicants may present their information at this time.
 - The Board will only discuss recommendations to obtaining additional information from the individual requesting the variance at this time.
 - The Board will establish by vote the public hearing date and establish who (in addition to those within three hundred feet) should be notified of the variance.
 - The Public Hearing Date must be held not more than 30 days or less than 15 days from the date of public hearing publication.
- The Zoning Commissioner will ensure the publication of the variance request public hearing and proposed action is in the newspaper not less than fifteen days or more than 30 days from the hearing.
- The Zoning Commissioner will ensure the public hearing notice is posted on the Post Office door, City Hall, website, and newsletter, if applicable. Also, could request a Code Red, if desired.
- Public Hearing and Board of Adjustment Meeting Procedures:
 - The Board opens the meeting to a public hearing.
 - The applicants may present their variance to the public, if desired.
 - Board hears public comments.
 - Board closes public hearing after comments are heard.
 - The Board reviews the request.
 - Considers public comments.
 - Reviews Article III, Section 11.6, Standards for Variances and Article III, Section 11.7, Authorized Variances, and determines whether the variance request falls under the standards for variances and is authorized under the Ordinance.
 - The Board may postpone decision pending additional information or by request of the applicant (prior to entering into a vote).
- The Minutes of the meeting will serve as a written account of finding of fact.
- The Board will vote, and must obtain 3 members vote for approval to grant variance.

- The Board's decision to grant a variance shall not be valid for more than 12 months after entered unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such a period.
- If denied, the variance cannot be submitted again for 1 year, except with approval from Zoning Enforcement Officer provided new evidence is found.
- The Variance can be appealed following the process outlined in Long Grove Zoning Ordinance, Article III, Section 12.
 - Standards for Variances (Article III, Section 11.6)
 - Does the physical surrounding, shape, or topographical conditions of the property create a particular hardship?
 - Are the conditions of the petition to the variation unique to the property?
 - Is purpose of the variance based solely on the desire to make money?
 - Was the hardship created by the individual or interested party making the request?
 - Does the granting of the variance cause harm to others?
 - Does the variance impair light or air, increase congestion, danger of fire, public safety, or diminish or impair the value of the surrounding areas?
 - Is the purpose of the variance to establish a use which is otherwise excluded from the district?
 - Authorized Variances (Article III, Section 11.7)
 - Variances that meet the standards listed above in Section 11.6 can only be granted in the following instances and no others:
 - Permitting any yard or setback line of less dimension than required by applicable regulations
 - Permitting any building or structure to exceed height limitations
 - Permitting use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of lot or lots, but in no event shall the respective area or width proposed be less than 70% of the required area and width
 - Permitting the same off-street parking facility to qualify as required facilities for two or more uses provided that substantial use of such facility by each uses does not take place at approximately the same hours of the same days of the week
 - Reducing the parking and loading requirements in any of the districts when the character or use of a building makes the full parking requirements unnecessary or where such requirements would impose unreasonable hardship on the use of the lot
 - Permitting the alteration or enlargement of an existing building or use located on premises in a district which prohibits that use of land or building, or the height and area of buildings existing at the time of the adopting of the Ordinance where such alteration or enlargement is a necessary incident to the use of the structure existing at the time of adoption, amendment, or change of the Ordinance
 - Permitting the reconstruction of a non-conforming building which has been damaged to the extent of more than 65% of its market value, where the Board finds some public compelling necessity to continue the nonconforming use