

Why does the City of Clinton, Iowa, have a Zoning Board of Adjustment?

When the first Zoning Ordinance was adopted by the Clinton City Council in 1949, a Zoning Board of Adjustment was established to adjust certain zoning standards that could cause serious problems to individual land owners. Also, the Board can make decisions where it is alleged that an error was made in the enforcement of the Zoning Ordinance. Without the Board, a land owner would have to take such issues to court.

What is the Zoning Board of Adjustment?

The Zoning Board of Adjustment is called a quasi-judicial board because their decisions are legally binding. The Board consists of 5 members. The Board members are volunteers, recommended by the Advisory Appointments Committee to serve on this board, and confirmed by the City Council. The Board's duties include conducting public hearings and making decisions based on their authority granted by the Iowa Code and by the Zoning Ordinance.

What authority does the Zoning Board of Adjustment have?

The Zoning Board of Adjustment has authority or jurisdiction to grant special use permits, to determine any error in judgment in the enforcement of the Zoning Ordinance, to grant variations in yard requirements and to allow exceptions where the strict enforcement of the Zoning Ordinance would result in a hardship to the land owner.

What types of appeals are presented to the Board?

The Board can rule on 3 types of appeals:

- A request for a waiver of yard requirements. *The applicant must show that the strict application of the Zoning Ordinance would cause an unnecessary hardship.*
- Special use permits. *Example: There are certain types of businesses (airports, hospitals, quarries, etc.) which are only allowed with a special use permit.*
- Make determination where an alleged error was made in the enforcement of the Zoning Ordinance. *The Board can rule on an appeal from a citizen who believes there was an error in any decision, determination or interpretation.*

Can the Board attach any special conditions or stipulations to a request?

Yes, in granting a response, the Board's decision may include conditions or stipulations. These conditions are to assure that the property will be compatible with surrounding properties and will not change the essential character of the neighborhood.

What information will the Board consider in reviewing a request?

Applicants should present the Board with sufficient information so there is a clear understanding of the request, including the nature of the hardship. The Board needs this information to establish findings of fact.

Applicants should provide information regarding only the property, structure or proposed use. Information concerning a person's health, age, family conditions, or other personal needs will not provide the Board necessary information.

The Board may only consider testimony and evidence relevant to the specific standards listed in the Zoning Ordinance. The Board cannot change existing zoning regulations or make policy decisions. The Board will approve, approve with conditions, or deny the application based on the facts presented at the hearing. The Board provides the opportunity for any interested person(s) to speak at the public hearing.

The City of Clinton's Community Development Department assists the Board by reviewing the application and preparing a staff report for the Board in advance of the meeting. The staff report provides background information, and a recommendation on whether to approve or deny this appeal. A copy of the staff report will be provided to the petitioner prior to the meeting.

When is the Board's decision effective?

The Board's decision is effective the day the variance or use is granted. The Board will normally place a 1 year construction time limit on each appeal that is granted.

All construction or implementation of the waiver must be completed and be approved by this Department prior to the 1 year date after the waiver was granted. If all work is not completed by the 1 year date, the waiver will be revoked.

Are re-hearings allowed after the Board makes a decision?

Re-hearings are only allowed if the Board finds that there has been substantial change in the application or conditions bearing on the application.

How can I learn about hearings?

The petitioner is required to notify each adjacent property owner, and provide written proof to this Department of such notice. An agenda for the Board meeting will be posted at City Hall, and a public notice will be published in the Clinton Herald prior to the meeting.

How can I participate in this process?

Citizen comments, either in support or against an appeal, are welcome. You can provide your comments at the Board meeting, or submit written comments to the Community Development Department at 110 5th Avenue South no later than 1 week prior to the meeting date.

When does the Board meet?

The Board meets on the third Thursday of each month at 8:45 a.m. The meeting is held in the City Hall Council Chambers, 611 South 3rd Street, Clinton, Iowa.

2010 Zoning Board of Adjustment Schedule

<u>Filing Deadline</u>	<u>Date of Hearing</u>
December 30, 2009	January 21, 2010
January 29, 2010	February 18, 2010
February 26, 2010	March 18, 2010
March 26, 2010	April 15, 2010
April 30, 2010	May 20, 2010
May 28, 2010	June 17, 2010
June 25, 2010	July 15, 2010
July 30, 2010	August 19, 2010
August 27, 2010	September 16, 2010
October 1, 2010	October 21, 2010
October 29, 2010	November 18, 2010
November 24, 2010	December 16, 2010

A Guide to the Zoning Board of Adjustment



Building & Neighborhood Services

563.244.3360