PLANNING AND ZONING

Cerro Gordo County Courthouse

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SPECIAL EXCEPTION APPEAL

Cerro Gordo County Board of Adjustment

INSTRUCTIONS

As authorized under Article 24.4(A)(2) of the Zoning Ordinance, the Board of Adjustment may hear requests for special exception as provided for under the standards outlined in the Ordinance. Such special exceptions provided for may be for bulk standards under Section 24.4(A)(2)(a) or any specific special exception otherwise expressly stated within the Ordinance.

Any person affected by a decision of the Zoning Administrator in which a literal enforcement of the Ordinance causes a practical difficulty for bulk requirements, or as otherwise expressly permitted, under the Ordinance may file appeal with the Board of Adjustment via a special exception request under such standards outlined within thirty (30) days from the date of the decision. The Zoning Administrator shall forward all appeals for special exception to the Board of Adjustment within a reasonable time from the time of receipt.

The Applicant shall be held responsible to provide adequate evidence that *all* applicable standards are met. The Board of Adjustment shall ensure that their decision is not contrary to the public interest. In its decision, the Board of Adjustment reserves the right to apply any conditions necessary for any special exception granted in order to observe the spirit of the Ordinance and protect the public health, safety, and welfare.

APPLICATION CHECKLIST

- Fully completed application (All requested information must be completed in order to be accepted)
- Applicable site plan drawing
- $200.00 non-refundable filing fee made payable to "*Cerro Gordo County Treasurer*"
- Any further documentation necessary to properly review the request

FILING DEADLINE

6 WEEKS BEFORE THE NEXT SCHEDULED BOARD OF ADJUSTMENT MEETING. The regular Board of Adjustment meeting is generally scheduled for the last Tuesday of each month. However, the Board reserves the right to schedule hearings subject to the board members' availability. All required information and materials must be filed with the Planning and Zoning Department by the filing deadline. The filing fee is required at the time the application is submitted.

NOTIFICATION

A public notice will be posted in the newspaper of record for the location of the property in which the special exception is being requested prior to the public hearing. At a minimum, all adjacent property owners, or more as deemed necessary due to potential impact, will be notified of the requested special exception by regular mail. Additionally, every effort will be made to post applicable case materials to

the Planning and Zoning Department webpage at https://cerrogordo.gov/planning_and_zoning on the Cerro Gordo County website at least one week before the scheduled public hearing.

STANDARDS FOR REVIEW

It is the applicant's responsibility to prove to the Board of Adjustment that the appeal meets the standards for review of the Ordinance.

Special Exception for Bulk Provisions

All special exception requests for bulk provisions of the Zoning Ordinance (e.g. setbacks, frontage, height, size, dimensions, coverage area, etc.) will be reviewed under the following standards:

- Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question;
- The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use;
- The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district. Such circumstance may include:
  - Topographical conditions;
  - Surroundings;
  - Size and shape of the property;
  - Location of public utilities or improvements on or adjacent to the subject property;
  - Shoreline and bank conditions (lake lots);
  - Other extraordinary or exceptional situations.
- A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality;
- Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
- Relief can be granted in a manner that will not alter the essential character of the locality.

Other Special Exceptions

There are various other allowable special exceptions provided for specific situations contained within the Zoning Ordinance. All applicable special exception requests will be reviewed under the standards as provided for within the Ordinance.

In addition to the above standards, as applicable, above, the applicant must address any potential impacts to neighbors and the general area around the property, as the Board of Adjustment reserves the right to establish certain conditions upon any special exception granted to mitigate potential impacts. The applicant should address such potential impacts as encroachment to neighbors, dust, drainage, glare, traffic, odors, noise, safety, or other potential impacts that may be caused as a direct result from the requested special exception being granted.

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed _____ Date Set for Hearing _____ Case Number: _____

Applicant Name: _____ **Phone:** _____ **E-Mail:** _____

Mailing Address: _____

Property Owner Name: _____ **Phone:** _____ **E-Mail:** _____

Property Owner Address: _____

Property Description (Not to be used on legal documents): Parcel # _____ Township _____

Property Address: _____ Zoning: _____

Brief Legal Description:

Project Description **Decision Date:** _____

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

I am the ☐ Owner ☐ Contract Purchaser ☐ Other (Explain) _____

_____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature _____ Date _____

SPECIAL EXCEPTION APPEAL

ADDITIONAL INFORMATION

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.