



DEVELOPMENT SERVICES DEPARTMENT
10 FIRST ST. NW
MASON CITY, IOWA 50401
641.421.3626

SPECIAL EXCEPTION

APPLICATION PACKET

ZONING BOARD OF ADJUSTMENT APPROVAL REQUIRED

GENERAL APPLICATION INSTRUCTIONS

Effective Date: May 1, 2024

APPLICATION:

Please complete and submit one (1) copy of **all required materials** included in this packet. Your application **will not** be placed on the Zoning Board of Adjustment's next agenda until a complete application is received.

This Application Packet includes:

- a. *Application Form* to be filled out and signed by applicant.
- b. *Supporting Information Form* to be filled out explaining application request.
- c. *Site Plan Checklist* to verify completion of the required Site Plan.

FILING DEADLINE:

The deadline to file an application for the Zoning Board of Adjustment is the 10th of each month. Your case will be heard at the following month's meeting. All required information and materials must be filed with the Development Services Department by the filing deadline. The filing fee is required at the time the application is submitted.

FEE: \$125.00

MEETING TIME AND PLACE:

The Zoning Board of Adjustment meets on the first Tuesday of each month at 4:00 p.m. in the 2nd floor conference room at City Hall, 10 First Street NW. The meetings are open to the public.

NOTIFICATION:

The City will mail a notice to all property owners within 350' of the property for which a special exception has been filed. This notification enables neighbors an opportunity to learn about your application request. Citizens will also be allowed to present

information or comment on the matter at the public meeting. In addition, a public notice will be published in the Globe Gazette and a public notice sign(s) will be posted by the City on the property.

BURDEN OF PROOF:

In order to grant a special exception as permitted above, the Zoning Board of Adjustment must find that the following tests are satisfied:

1. In the case of a setback reduction, the need for the special exception results from exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific parcel or property.
2. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.
3. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood.
4. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district in which the property is located.
5. That adequate utilities, access roads, drainage and other necessary facilities are being provided.
6. That, except for the specific special exception being proposed, the structure subject to the special exception shall in all other respects conform to the requirements of the zoning district in which it is located.
7. Approval of the special exception will not substantially impair the general purpose and intent of the Comprehensive Plan.

It is your responsibility to prove to the Zoning Board of Adjustment that a special exception is necessary and that you meet the requirements to grant a special exception. You may bring to the hearing any witnesses you wish to present evidence on your behalf about the property in question, any written statements from individuals with personal knowledge of the property and any documentation and/or photos regarding the property. Based on evidence presented at the meeting and information provided in this application, the Board will either approve or deny the special exception request. If denied, the only recourse is to District Court.

Special Exception Site Plan Checklist

All of the information listed below must be included on the Site Plan. Failure to include any of this information will result in a delay in accepting your application. Use the checklist below to ensure that your Site Plan contains the required information. Attach the completed checklist to your site plan and submit it with your completed application.

You must submit a Site Plan, drawn to scale, that clearly illustrates the requested special exception. The Site Plan must be a reproducible, black line drawing on a sheet of paper no larger than 11" x 17". Please note that a pencil drawing is difficult to reproduce. White paper is preferred. The Site Plan must include, at a minimum, the following information:

- _____ Site Plan is drawn to scale.
- _____ Site Plan is draw in black line on paper no larger than 11' x 17'.
- _____ All property lines are shown, including dimensions.
- _____ All abutting streets and alleys are shown.
- _____ All existing and proposed buildings and structures are shown.
- _____ Dimensions of all existing and proposed buildings and structures are shown.
- _____ Distances between the existing buildings and structures and the property lines are shown.
- _____ Distances between existing buildings and structures are shown.
- _____ Required setbacks are shown (a Planner can provide the required setbacks).
- _____ Driveways and parking areas are shown, including dimensions.
- _____ Any other pertinent information is shown (e.g. significant change in topography, location and size of mature trees).

Special Exception Application Form

All information must be completed in order to process the application. If you have any questions, or need assistance completing the application, please contact the Development Services Department and a Planner will assist you.

1. Property Address: _____

2. Legal Description (Use additional sheets if necessary. This information can be found on your tax invoice or property abstract)

3. Circumstances for the special exception (check all that apply):

To permit the reconstruction of a non-conforming structure containing a non-conforming use that has been damaged or destroyed beyond 50% of its replacement cost at the time prior to the damage or destruction, where the board finds some compelling necessity requiring a continuance of the nonconforming building or use.

To permit the erection and use of a building or the use of premises in any location by a Public Service Corporation for public utility purposes that the board deems necessary for the public convenience or welfare.

To allow an exception to setback requirements in any district where the strict application of the setback requirements would result in peculiar or exceptional practical difficulties upon the owner of such property as distinguished from a mere inconvenience; provided, that relief can be granted without substantial detriment to the public good.

To allow an exception to the maximum lot width or lot depth requirements for a lot of record in an edgeyard disposition in the Z2 Sub Urban District, provided that no special exception may be granted for a lot width greater than one hundred fifty (150) feet or a lot depth greater than two hundred (200) feet.

4. Property Owner: _____

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

Telephone: _____
(Home) (Business) (Fax)

5. Applicant: _____

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

Telephone: _____
(Home) (Business) (Fax)

6. **Contact Person:** _____

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

Telephone: _____
(Home) (Business) (Fax)

Email address: _____

Appointment of Authorized Representative

As the applicant, you may wish to allow someone to handle this matter on your behalf. If you would like to do this, complete the statement below and sign. The person you authorize to act on your behalf should be the same person listed as a contact person on page 1 of this application.

I, _____ hereby authorize _____ to act on my behalf in all matters pertaining to this special exception application.

(Applicant) Date: _____

Applicant's Certification

By signing the application where indicated below, you certify that you have read and understand the statement below. You must submit original signatures. Faxed, emailed, or photocopied signatures are not acceptable. If you have any questions, please contact a Planner in the Development Services Department for assistance.

- The Mason City Zoning Ordinance allows the Zoning Board of Adjustment to grant a special exception if, and only if, the Board members can make a finding that:
 1. In the case of a setback reduction, the need for the special exception results from exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific parcel or property.
 2. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.
 3. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood.
 4. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district in which the property is located.
 5. That adequate utilities, access roads, drainage and other necessary facilities are being provided.
 6. That, except for the specific special exception being proposed, the structure subject to the special exception shall in all other respects conform to the requirements of the zoning district in which it is located.
 7. Approval of the special exception will not substantially impair the general purpose and intent of the Comprehensive Plan.
- If the Zoning Board of Adjustment grants the special exception, you are in no way absolved from subsequently obtaining the necessary building permits or other permits from the City of Mason City or from other applicable agencies.

I (We) certify that I (we) have submitted all the required information to apply for a special exception, and that said information is factual.

Signed by: _____ Date: _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's signature.)

and: _____ Date: _____
(Applicant)

and: _____ Date: _____
(Applicant)

Special Exception *Supporting Information*

The Mason City Zoning Ordinance allows the Zoning Board of Adjustment to authorize a special exception in three distinct instances:

- To permit the reconstruction of a nonconforming structure containing a nonconforming use that has been damaged or destroyed by any means to the extent of more than fifty percent (50%) of its replacement cost at the time prior to the damage or destruction, where the board finds some compelling necessity requiring a continuance of the nonconforming building or use.
- To permit the erection and use of a building or the use of premises in any location by a Public Service Corporation for public utility purposes that the board deems reasonably necessary for the public convenience or welfare.
- To allow an exception to the setback requirements of any district where the strict application of the setback requirements would result in peculiar or exceptional practical difficulties upon the owner of such property as distinguished from a mere inconvenience; provided, that relief can be granted without substantial detriment to the public good.

The Zoning Ordinance identifies seven tests an application must meet. In order to be approved, an application must meet all seven tests. So that the Zoning Board of Adjustment can review your case, please provide the requested information below. Please address each item as completely as possible and return with your application. If you need assistance, please contact the Development Services Department and ask speak with the Planning and Zoning Manager. A copy of your responses will be forwarded to the Board members prior to the meeting. If necessary, please attach additional pages. You may also wish to include supporting documentation and/or photos to support your arguments.

- **Please describe the unique conditions on the property that prevent you from meeting the required setbacks applicable to the property.** *(If you are not requesting a reduction to the required setback, you can skip this item. In the case of a setback reduction, the need for the special exception must result from exceptional narrowness, shallowness, or shape of a specific piece of the property, or exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a specific parcel or property.)*

- **Please discuss how the proposed special exception will impact the public health and safety in the community.** *(Please note that a special exception cannot be approved if it will be detrimental to or endanger public health, safety, comfort or general welfare.)*

- **Please discuss how the proposed special exception will impact the use and value of nearby properties.** *(The specific proposed exception cannot be injurious to the use and enjoyment of other property in the immediate vicinity and cannot substantially diminish or impair property values within the neighborhood).*

- Please discuss how the proposed special exception will impact the development or **redevelopment of nearby properties.** *(The establishment of the special exception cannot impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district in which the property is located.)*
- **Please describe what utilities are available on site, how the property will be accessed, how storm water drainage will be controlled and how other facilities will be provided.** *(Note that the Zoning Board of Adjustment must find that there are adequate utilities, access roads, drainage, and other necessary facilities to accommodate the special exception.)*