



# SPECIAL EXCEPTION ZONING ORDINANCE

## ARTICLE XXI

### BOARD OF ADJUSTMENT APPLICATION

(Please print)

OWNER/APPLICANT \_\_\_\_\_

Owner/Applicant Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

Legal description of property \_\_\_\_\_

Address of property \_\_\_\_\_

Zoning District \_\_\_\_\_

Existing land use \_\_\_\_\_

Projected land use \_\_\_\_\_

#### A COMPLETE SUBMITAL PER SECTION 21.3 INCLUDES:

- Completed Application
- List of all property owners with mailing addresses within 200 feet of the property in question from a licensed abstractor, land surveyor or attorney
- A map with parcels keyed to the ownership and address data certified by a licensed abstractor, land surveyor or attorney
- A statement describing the nature & operating characteristics of proposed use, with relevant data to the findings required for approval of application
- Site plans and additional drawings in accordance with Article XIV Section 14.1 and 14.3 of Milford Zoning Ordinance
- Nonrefundable fee of \$600 with a check payable to City of Milford
- If the applicant is **not** the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property

The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this zoning ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the issuance of a special exception use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date



## BOARD OF ADJUSTMENT APPLICATION

**TO:** Milford Board of Adjustment Applicant

**RE:** Approval of Variance or Special Exception by the Milford Board of Adjustment

You may be considering submittal of a request for variance or a special exception permit to the Milford Board of Adjustment. As you consider your options in this matter please consider the following information.

When variances or special exceptions are approved, the successful applicant typically proceeds ahead with construction and or lot improvements in accordance with the Board's directive. Applicants are normally eager to proceed immediately (even though State law specifically allows other parties to legally contest approval of the variance or special exception). Any aggrieved party (including any person or persons, or any board, taxpayer, department, board or bureau of the city) may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa. Said petition must be filed within 30 days from the date of the Board of Adjustment decision.

It should also be known that in accordance to Milford Zoning Ordinance Section 21.6 Revocation the issuance of a special exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of the ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such a permit is granted it does expressly grant to the city, for the enforcement of this ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this ordinance or of the terms of the special exception use permit.



**SPECIAL EXCEPTION PROCEDURES**  
**SECTION 21.4**  
***FOR OFFICE USE ONLY***

- Zoning Administrator shall submit copy of special exception application to P&Z Commission for review & comment.
- Schedule a P&Z Commission meeting for comments & recommendations to Board of Adjustment.
- Schedule Board of Adjustment meeting to schedule a public hearing in relation to special exception request
- Publish public hearing in newspaper not less than 7 days or more than 20 days prior to meeting
- Mail public hearing notice to owners of property within 200' of property in question



# BOARD OF ADJUSTMENT

## 21.5 STANDARDS

The Board of Adjustment shall grant no special exception permit unless such Board shall find:

1. That the establishment, maintenance, or operation of the special exception use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the city.
2. That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That in the case of existing relocated single family dwellings, the proposed use aesthetically blends in with neighboring permitted uses and special attention be given to the style, size and quality of construction of the proposed use.
4. That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided and adequate ingress and egress is so designed as to minimize traffic congestion.
5. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
6. The use shall not include noise or vibration that is objectionable to adjoining properties due to volume, frequency, or beat unless muffled or otherwise controlled.
7. The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
8. The use shall not involve any air pollution by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property by causing soiling, discomfort or irritation.
9. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.
10. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
11. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
12. That the use will not be in conflict with the intent and spirit of the city's comprehensive plan.
13. The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
14. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
15. The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

Board Member Signatures:

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# BOARD OF ADJUSTMENT RESOLUTION ON SPECIAL EXCEPTION DECISION

Case # \_\_\_\_\_

Applicant: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

The decision of the Board of Adjustment is to: \_\_\_\_\_ GRANT \_\_\_\_\_ DENY

Reasons for the denial or conditions for the approval are:

Motion by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Secretary,  
Zoning Board of Adjustment

**In the event the action is granted, the applicant hereby agrees to all conditions and safeguards above. The applicant further agrees that in the event the specified conditions and safeguards are not complied with, within the time specified, approval of this appeal shall become null and void.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_