

Bond Case Briefs

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Ames 2304, LLC v. City of Ames, Zoning Board of Adjustment

Supreme Court of Iowa - March 8, 2019 - N.W.2d - 2019 WL 1086853

Landowner filed petition for writ of certiorari after city denied landowner's permit for interior remodel of nonconforming use residential structure.

The District Court annulled writ. Landowner appealed. The Court of Appeals reversed. Zoning board sought further review.

The Supreme Court of Iowa held that landowner's proposed remodel did not constitute a prohibited increase in the intensity of the nonconforming use.

Landowner's proposed interior remodel of nonconforming use residential structure containing four one-bedroom apartment units, which would have increased number of bedrooms within units, did not constitute a prohibited increase in the intensity of the nonconforming use, where remodel would not have increased number of dwelling units within the structure.

Ordinance prohibiting increases in intensity of nonconforming uses, which defined "intensity" as degree or level of concentration to which land was used for commercial, industrial, or any other nonresidential purposes but did not define "intensity" concerning residential purposes, was nevertheless applicable to residential structures.