

**Board of Adjustment.** The Board of Adjustment shall have the supervisory and appellate powers provided by law. The Board of Adjustment of Monroe County shall consist of five (5) members, the majority of whom shall reside in the unincorporated areas of the County. The Zoning Administrator, or other designee, shall serve as staff to the Board of Adjustment.

1. **Board of Adjustment, Powers, Duties and Responsibilities.** The Board of Adjustment shall have the power and duty to:

- a. Interpret this Code when the meaning of any word or phrase of a section is in doubt, when there is dispute as to such meaning between the appellant and the finding of the Zoning Administrator pursuant to section 1.8.B, or when the location of a zone boundary is in doubt;
- b. Hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Code where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by any administrative official or agency based on or made in the enforcement of this Code;
- c. Hear and decide upon applications for variances from the strict application of this Code requirements to the extent necessary to permit the applicant a reasonable use of the property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned;
- d. Hear and decide on all requests for conditional use permits; and
- e. Other responsibilities assigned by the Board of Supervisors.

2. **Powers Not Granted to the Board of Adjustment.** It is not the intention of the Code of Iowa or the Board of Supervisors to grant to the Board of Adjustment the power or authority:

- a. to grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Code in said district; or
- b. to alter or change the provisions and requirements of this Code or the Zoning Map.

3. **Membership of the Board of Adjustment.**

The members of the Monroe County Board of Adjustment shall be appointed by the Board of Supervisors.

- a. **Term of Office.** The members shall be appointed for five (5) year terms, which terms shall be staggered. All terms shall be arranged so that no more than two (2) terms will expire each year.
- b. **Vacancies.** New members shall be appointed by the Board of Supervisors. Also, all vacancies shall be appointed by the Board of Supervisors for the unexpired term of any member whose term becomes vacant.
- c. **Membership on another County Board or Commission Prohibited.** No member shall serve on any other County Board or Commission during the term of that member on the Board of Adjustment without the written permission of the Monroe County Board of Supervisors. Except that one (1) member may also be a member of the Zoning Commission.
- d. **Removal from the Board of Adjustment.** The Monroe County Board of Supervisors shall have the power to remove any member of the Board of Adjustment for cause, upon written charges and after a public hearing. Members of the Board of Adjustment may be removed for inefficiency, neglect of duty or malfeasance in office.
- e. **Reimbursement.** All members of the Board of Adjustment shall serve without compensation except for such amounts determined appropriate by the Board of Supervisors to offset expenses incurred in the performance of their duties.

4. **Board of Adjustment Procedures.**

- a. **Rules of Procedure.** The Board of Adjustment shall adopt rules of procedure consistent with the provisions of this Code, which rules shall not be in conflict with the Code of Iowa.
- b. **Chairperson Administers Oath.** The chairperson, or in the absence of the chairperson, the acting chairperson, or Zoning Administrator shall administer oaths and compel attendance of witnesses.
- c. **Notice of Meetings.** Publication of the notice of public hearing and notification of affected property owners shall be done in conformance with Chapter 2.1 of this Code. The agenda for the meeting shall be

- posted in the County Offices three (3) days prior to the scheduled meeting or as prescribed by the Code of Iowa.
- d. Conduct of Meetings.
- (1) All public meetings of the Board of Adjustment shall be open to the public, except in instances deemed necessary to go into closed session as set forth in the Code of Iowa.
  - (2) The Board of Adjustment may meet once a month, and more often if necessary, for the transaction of business.
- e. Minutes.
- (1) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement or determination of the regulation, every amendment or appeal thereof, and every order, of the Board of Adjustment shall be filed in the office of the Zoning Administrator and shall be public record.
  - (2) The minutes shall include a written finding of fact based on testimony and evidence specifying the reason the Board of Adjustment granted or denied the request or variation.
- f. Conflict of Interest. A member of the Board of Adjustment shall inform the Board of Adjustment before the commencement of the public hearing of any conflict of interest in the proposed action being reviewed by the Board of Adjustment. The member shall not participate in any discussion or vote on any action in which the member or member's family has an interest.
- g. Vote and Quorum. The affirmative vote of three (3) of the five (5) member Board of Adjustment shall be required to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant or applicant or approve any action brought before them.
- h. Invalidity of a Vote. A recommendation for approval of a variance request or a reversal of any order, requirement, decision or determination of any administrative official or agency, shall be voided if a Board of Adjustment member votes on a recommendation in which the member has a conflict of interest. The member's vote and the recommendation shall be voided.
- i. Review and Remand by the Board of Supervisors. The Board of Supervisors may provide for its review of variances granted by the Board of Adjustment before their effective date. The Board of Supervisors may remand a decision to grant a variance to the Board of Adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.