



# Board of Adjustment

## What types of projects are reviewed by the Board of Adjustment?

The Board of Adjustment reviews conditional use permit applications, variances from the Land Development Regulations and the Floodplain Management Ordinance, and appeals of the director's decision. Information regarding these types of projects can be obtained by visiting Story County's website or by contacting the Planning and Development Department at 515-382-7245 or pzweb@storycountyiowa.gov.

## How are the meetings conducted?

The Board of Adjustment operates under a set of Rules of Procedure, which are set forth to detail the procedures the Board of Adjustment must follow to conduct business in an orderly manner. The Chair of the Board conducts the meeting. For each public hearing item, the Chair asks Planning and Development staff to present an overview of the application and request.

Staff also communicates any comments from the public provided to the Planning and Development Department prior to the public hearing. Following staff's representation, the applicant will have an opportunity to present the proposed project.

After the Board listens to the applicant the public hearing is open to hear comments from the general public. The public hearing is closed and discussion takes place among the Board of Adjustment. A decision is then made by the Board of Adjustment.

## How does the Board make a decision?

There are established standards for approval and legal principles that the Board of Adjustment uses to reach a decision on an application. The Board reviews the Findings of Fact for each case and renders their opinion through a written Decision and Order which is then recorded in the Story County Recorder's Office.

## What happens after the Board's decision?

If the request is approved by the Board, the applicant may apply for a zoning permit from Planning and Development. If the request is denied, the proposed project cannot be built. The decision of the Board of Adjustment may be appealed to District Court and such action must be filed within 30 days of the date the written Decision and Order is filed in the office of the board.

The Board of Adjustment is comprised of five volunteer Story County residents appointed by the Story County Board of Supervisors, all of whom reside in the unincorporated areas of Story County. They are appointed to a five-year term.

The Board of Adjustment acts in a quasi-judicial capacity, meaning that it performs duties and responsibilities as if it were a cross between a court of law and a town hall meeting. The ability for a county to adopt zoning and establish a Board of Adjustment is set forth in Chapter 335 of the *Code of Iowa*. The duties and powers of the Board of Adjustment include:

1. To hear and decide appeals where it is alleged that there is an error of law in any requirement, decision or determination made by the Planning and Zoning Administrator or their designee in the enforcement of the Story County Land Development Regulations.
2. To hear and decide upon applications for variances to the area, height, setback, parking or density requirements of the Story County Land Development Regulations. Appeals for the variances must meet all "Legal Principles" in order for the Board of Adjustment to grant a variance.
3. To hear and decide variances to the flood plain regulations. Certain variations of this nature require the concurrence of the Iowa Department of Natural Resources.
4. Upon petition by a property owner, to permit exceptions to the terms of the Story County Land Development Regulations (conditional use permits).

## When does the Board meet?

Annually, the Board adopts a meeting calendar to establish meeting dates and times. In general, the Board meets the third Wednesday of each month in the Public Meeting Room in the Story County Administration Building, 900 6th Street, Nevada, Iowa, unless otherwise posted. All meetings of the Board of Adjustment are open to the public.

## Who should I contact if I have any additional questions?

If you have any further questions regarding the Board of Adjustment, please call Planning and Development at 515-382-7245 or email pzweb@storycountyiowa.gov. If you are interested in applying, please contact the Story County Board of Supervisors for an application form.