

HARDIN COUNTY BOARD OF ADJUSTMENT

Administrative Rules

In compliance with the Code of Iowa, the following rules are hereby adopted by the Hardin County Board of Adjustment to facilitate the performance of its duties.

SECTION 1.0 OFFICERS

1.1 Selection. At the first regular meeting held each year, the Board of Adjustment shall select a Chairman, Vice-Chairman, and Secretary. All officers are eligible for reelection.

1.2 Tenure. The Chairman, Vice-Chairman, and Secretary shall take office immediately following their selection and shall hold office until the first regular meeting of the following calendar year and new officers are elected.

1.3 Duties.

- a) The Chairman shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Board of Adjustment.
- b) The Vice-Chairman shall act in the capacity of Chairman in his absence and in the event the office of the Chairman becomes vacant, the Vice-Chairman shall succeed to this office for the unexpired term and the Board of Adjustment shall select a successor to the office of Vice-Chairman for the unexpired term.
- c) The Secretary shall execute documents in the name of the Board of Adjustment, perform the duties hereinafter listed, and shall perform such other duties as the Board of Adjustment may determine.

1. Minutes. The Secretary shall be responsible for the minutes of each meeting and shall have them kept in suitable volumes. The Administrative Secretary or other administrative personnel with their accuracy attested to by the Secretary.
2. The Secretary shall be responsible for the preparation of an agenda for each meeting according to Section 3.6 of these rules. The agenda may be prepared by the Administrative Officer and approved by the Secretary prior to its publication.

SECTION 2.0 CORRESPONDENCE

2.1 All communications, petitions, appeals, requests, and reports shall be addressed to the Board of Adjustment and delivered or mailed to the Office of the Administrative Officer.

SECTION 3.0 MEETINGS

3.1 **Regular Meetings.** Regular meetings of the Board of Adjustment will normally be held on the third Monday of the month at 7:30 p.m. in April, May, June, July, August, September, October and November and at 1:30 p.m. in December, January, February and March. When the regular meeting day falls on a legal holiday or other conflicts arise, the Board of Adjustment shall select a suitable alternate day. If no business is to be brought forth, a meeting may be cancelled.

3.2 **Special Meetings.** Special meetings may be called at the request of the Chairman or of any three members of the Board of Adjustment. Notice of Special Meetings shall be given to the members of the Board of Adjustment at least twenty-four hours prior to such meeting and shall state time and place of the meeting including the tentative agenda.

3.3 **Public.** All official regular and special meetings and hearings shall be open to the public and publicized according to the requirements of the Code of Iowa. All records and accounts shall be open to the public.

3.4 **Quorum.** A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters. Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present.

3.5 **Committees.** The Board of Adjustment's Chairman shall appoint from its membership, persons to serve on committees to deal with specific matters which come before it.

3.6 **Order of Business.** A tentative agenda for each meeting shall be prepared and the order of business therein shall be as follows:

- a) Roll call
- b) Waiver of public hearing, if necessary. This shall require a unanimous vote of the members

present, and shall conform to existing laws of the Code of Iowa.

- c) Approval of minutes
 - 1. Minutes of previous meeting shall be read.
 - 2. The vote of each member shall be recorded.
 - 3. The minutes shall indicate all parties present for the meeting.
 - 4. The minutes shall reflect discussion and action on each item brought before it.
 - 5. Three affirmative votes are necessary to approve any action of the Board.
- d) Unfinished business
- e) New business (include details of description, etc.)
- f) Correspondence, communications and other matters
- g) Adjournment

3.7 **Motions.** Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

3.8 **Voting.** Voting shall be by voice and shall be recorded by yeas and nays. Roll call votes will be recorded on all action taken by this Board.

3.9 **Board Action.** Action by the Board of Adjustment on any matter on which a hearing is held shall not be taken until the hearing has been completed.

3.10 **Parliamentary Procedure.** Parliamentary procedure in the Board of Adjustment meetings shall be governed by Roberts Rules of Orders.

SECTION 4.0 MATTERS TO BE CONSIDERED BY THE BOARD OF ADJUSTMENT

4.1 The Board of Adjustment shall consider all matters as stated in Sections XVII and XVIII of the Hardin County Zoning Ordinance.

SECTION 5.0 PROCEDURES FOR BRINGING MATTERS BEFORE THE BOARD OF ADJUSTMENT.

5.1 Appeals. Appeals to the Board of Adjustment alleging error shall be made by filing a Notice of Appeal with the officer from whom the appeal is taken and with the Chairman of the Board of Adjustment within 30 days following the decision of the administrative officer. The decision of the administrative officer shall be deemed to have been made on the date a building permit is issued or denied. The Notice of Appeal shall specify the grounds of error claimed by the party filing it.

5.2 Special Exceptions. Requests for special exceptions shall be made by filing a Petition for Special Exception in the Zoning Administrator's Office. The petition shall specify the special exception requested and the grounds therefore.

5.3 Variances. Requests for a variance from the ordinance shall be made by filing a Notice of Appeal within the time and in the manner provided in Section 5.1. The Notice of Appeal shall specify the provisions of the zoning ordinance from which the variance is requested.

5.4 Forms. Forms provided by the Administrative Officer shall be used to file for Appeals, Special Exceptions, and Variances.

5.5 Hearings. Within seven days following the filing of a Petition or Notice of Appeal, the Zoning Administrator shall establish a hearing date and shall provide for notice of such hearings in accordance with the requirements of Paragraph D (Appeals) Section XVIII of the Hardin County Zoning Ordinance. Hearings may be held at any regular or special meeting of the Board of Adjustment.

5.6 Fees and Costs. All fees and costs shall be paid to the Zoning Administrator at the time a Petition or Notice of Appeal is filed. The following fees shall apply to proceedings before the Board of Adjustment:

Appeal alleging error - \$50.00
Petition for Special Exception - \$50.00
Appeal requesting variance - \$50.00

SECTION 6.0 EXPENSES

6.1 Board members may receive payment for actual expenses and mileage incurred. Mileage shall be paid at the rate allowed by State Law. Expenses and mileage claims will be turned in to the Administrative Officer annually at the regular meeting in May. Payments will be made in June of each year.

SECTION 7.0 AMENDMENTS

7.1 These rules may be amended at any regular or special meeting by a two-thirds vote of the quorum present.

Amended May 18, 1987