

**CITY OF GRINNELL
BOARD OF ADJUSTMENT
BY-LAWS**

The role of the Board of Adjustment has been designated by the city council to administer and to enforce the code as set forth in the Code of Iowa and as detailed in the city of Grinnell Code of Ordinances.

**Article I
Responsibility of the Board**

The Board of Adjustment shall carry out the responsibility to interpret the zoning ordinance, to grant special exceptions in zoning (special uses), and to grant variances as designated by ordinance in the city of Grinnell Code of Ordinances. The members of the Board of Adjustment accept the responsibility of the office and declare their intention to execute the duties defined under the state and municipal laws to the best of their ability and to respect and observe the requirements established by the city council.

**Article II
Organization of the Board**

In compliance with the Code of Iowa and the Code of Ordinances for the city of Grinnell zoning ordinance, which says that the board of adjustment will adopt rules to carry out the provisions of the zoning ordinance, the following rules of procedure are hereby adopted by the Grinnell Board of Adjustment.

1. **Officers.** The board of adjustment shall select from its membership a chair and vice-chair that shall perform the usual duties pertaining to such offices.
2. **Election of Officers.** At the first meeting after January 1 of each year, the members of the Board of Adjustment shall elect a chair and a vice-chair from among its members to serve in that capacity until the next election or until said officers resign or are removed. A majority vote of the membership shall elect said officers.
3. **Chair.** The chair shall be elected by and from the members of the Board of Adjustment, shall take office immediately following the election, and shall hold office for a term of one year or until their successor is selected and assumes office. The chair shall preside at all meetings, shall promote the orderly and expeditious conduct of the meeting, shall preserve order, shall appoint committees, and shall perform the duties usually exercised by the chair of such a board.
4. **Vice-Chair.** The vice-chair shall, after election of the chair, be elected by and from the members of the Board of Adjustment, shall take office immediately following the election, and shall hold office for a term of one year or until their successor is selected and assumes office. The vice-chair shall act in the capacity of the chair in his/her absence and if the office

of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the board shall select a successor to the office of vice-chair for the unexpired term at the next regular meeting.

5. **Chair Pro Tem.** In the absence of the chair and the vice-chair, a chair pro tem shall be elected informally by the members present to conduct the meeting once it has been determined that a quorum is present.
6. **Secretary.** The secretary will be appointed by the Board of Adjustment and may be a member of the board, an employee of the board, or a regular employee of the city. The secretary shall conduct all official correspondence subject to these rules at the direction of the board, shall send out all notices required by these rules of procedure, keep the minutes of the board's proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record, and keep a file on each case that comes before the board. For all appeals and applications, the secretary shall issue the proper forms; see that information maps and plats are compiled and ready for board's review; notify any property owner and other interested parties by mail of the time and place of the hearing; and any other duties as determined by the board.
7. **Quorum.** A quorum of the five (5) members of the Board of Adjustment shall consist of three (3) members. Without a quorum, no business will be transacted and no official action on any matter will take place. The concurring vote of three (3) members of the board is required to reach a decision (no matter how many board members are present).
8. **Attendance.** Board members are expected to attend all meetings of the board. If a member has a valid reason for nonattendance, the member shall notify the board secretary or the secretary's representative before the meeting. A board member will be asked to resign if at any time the member has three (3) consecutive unexcused absences from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed forty (40) percent of the total meetings in a calendar year. A review of attendance will be made at the end of each year.
9. **Cases to Be Decided By the Board.** The following cases shall be made before the board of adjustment on forms provided by the board secretary.
 - A. Appeals, when it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance.
 - B. Special exceptions to the terms of the zoning ordinance upon which the board is required to act under the ordinance.
 - C. Variances to a zoning district requirement where there are unusual conditions or circumstances which cause an "unnecessary hardship" when the provisions of zoning are strictly applied.
 - The burden of proof of "unnecessary hardship" rests upon the applicant and, without such proof, an adjustment must be denied.

- The hardship must be created by the ordinance, not by the applicant. (If the applicant has made improvements to the property in violation of the zoning ordinance, either willfully or innocently, the hardship was created by the applicant and an adjustment may not be granted.)
- The hardship must be a compelling force; that is, the problem must be a very real hardship and not just a perceived one.

10. **Expenses.** Board members may receive payment for actual expenses and mileage incurred only upon approval of the board and concurrence of the city council. Mileage shall be paid at the rate allowed by the city.
11. **Gifts.** Board members may not receive any type of gift for their personal use or enjoyment.

Article III Conduct of Meetings

1. **Parliamentary Authority.** *Robert's Rules of Order, Revised*, will govern the board meetings in all cases where these rules do not provide the procedures to be followed.
2. **Meetings.** No regular meeting time will be established. Meetings shall be held upon receipt of a completed request for appeal. Notice of the meeting shall be given by the secretary to the members of the board at least forty-eight (48) hours before such meeting and shall state the purpose and time of the meeting.
3. **Notification and Attendance.** It shall be the responsibility of the Building and Planning Department staff to provide an agenda to all members prior to each meeting. Board members are responsible for contacting the staff at least twenty-four (24) hours in advance of an unexpected absence.
4. **Public.** All regular, special, and subcommittee meetings; hearings; records; minutes; and accounts shall be open to the public.
5. **Order of Business.** The secretary will prepare an agenda for each meeting and send it to each board member prior to the meeting. The order of business shall be as follows:
 - A. Roll call
 - B. Approval of minutes
 - C. Communications
 - D. Election of officers (first meeting after January 1 of each year)
 - E. Unfinished business
 - F. New business
 - G. Inquiries
 - H. Adjourn
6. **Public Hearing.** The Board may not vote on an appeal or application until all required information has been set forth on the forms and until the hearing has been conducted. The order of the hearing shall be as follows:

- A. The applicant's or appellant's side of the case.
 - B. Zoning administrator's side of the case.
 - C. Interested property owners' opinions.
 - D. Applicant's rebuttal.
7. **Board Action.** The board may not vote on an appeal or application until all required information has been set forth on the forms and until the hearing has been conducted.
8. **Motions.** Motions may be made by anyone on the board except the chair. The chair will restate the motion before a vote is taken. A second to the motion is required before entertaining discussion or calling for a vote on the motion.
9. **Voting.** The concurring vote of three (3) members of the board is required to reach a decision (no matter how many board members are present). Voting will be by roll call and will be recorded by yeas and nays. The chair will only vote when necessary to fulfill the requirement for a concurring vote of three (3) members of the board. Minutes will show members absent or abstaining for each vote. The order of voting shall be rotated each meeting with the chair voting last.
10. **Conflict of Interest.** A member may abstain if the member believes there is a conflict of interest, particularly if the conflict in which he/she would receive any direct financial benefit or gain. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting. Prior to public discussion of the matter under consideration, a member who plans to abstain from voting should so inform the board so that other board members can properly weigh the opinions given by a member who believes a conflict of interest exists. The board shall discuss the potential for conflict before the board member chooses to step aside or to remain active.
11. **Final Action.** The board may by motion affirm, modify, or reverse the refusal of a permit by the decision of the zoning administrator. In the case of an application for a variance or a special exception, the motion shall set forth that the application is granted or denied and said motion shall specifically set forth what variances or special uses are permitted and what conditions, if any, shall be complied with.
12. **Minutes.** The board shall keep minutes of its proceedings that shows the vote, indicates if a member is absent or abstains from voting, and keeps records of its examinations and other official actions. The minutes shall be immediately filed in the office of the board by the secretary and shall be a public record. The minutes shall serve as a complete, but not verbatim description of the meeting.
13. **Decision Reconsideration.** A rehearing of any decision of the board of adjustment may be made if the following occur:
- A. The motion to reconsider is made by a member of the board and carried by not less than four (4) affirmative votes;
 - B. New evidence is submitted that could not reasonably have been presented at the original meeting;

- C. At least ninety (90) days have elapsed since the motion was defeated; and,
- D. The case is put on the agenda for a rehearing.

Article IV
Amendment of By-Laws

A majority vote of all the members of the board shall be necessary to amend these procedural rules. Such proposed amendments shall be presented in writing at any meeting of the board of adjustment.

All previous Board of Adjustment by-laws are hereby repealed. These by-laws shall be in effect from and after its final passage and approval.

Passed and approved by the Board of Adjustment for the city of Grinnell on the _____ day of _____, 2008.

BOARD OF ADJUSTMENT:

Board Chair

Date

Board Secretary

Date