

## Chapter 2-10

### BOARD OF ADJUSTMENT

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#### **Section 2-10-1 Board Established**

The Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed by the City Council for a term of five (5) years. Said members shall be removable for cause by the Council upon written charges and after public hearing. Any vacancy occurring shall be filled by the Council for the unexpired term of any member whose term becomes vacant.

#### **Section 2-10-2 Board Procedures**

The Board shall adopt rules in accordance with and consistent with the provisions of this Code or any chapter of this Code not inconsistent with any laws of the State of Iowa. The Board of Adjustment shall meet twice each month, during the second and fourth week of the month, on such day as the chairman may designate provided, however, that the chairman may call additional meetings of the Board if extraordinary circumstances require additional meetings. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote by each member upon each question, or, if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official acts, all of which shall be immediately filed in the office of the Board and shall be a public record.

#### **Section 2-10-3 Board Powers**

The Board of Adjustment shall have those powers enumerated and set forth in Section 414.12 of the 1993 Code of Iowa and as the same may hereafter be revised, amended or redesignated and as more specifically set forth in Article XXII of the Storm Lake Zoning Ordinance.

#### **Section 2-10-4 Appeals To Board**

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer of the Board or Bureau of the City affected by any decision of the administrative officer; such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment's notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record from which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the actions appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

#### **Section 2-10-5 Location Of Meetings**

The Board of Adjustment shall hold its meetings in the Public Meeting Room at City Hall or other appropriate location within City Hall, and the Board may adjourn its meetings from time to time for the purpose of personally inspecting the premises which is the subject matter of a pending action.