



FLOYD COUNTY BOARD OF ADJUSTMENT

PROCEDURES

Supersedes:
01/01/09

Effective Date:
11/4/10

P-01-App: CONDITIONAL USE/VARIANCE
HEARINGS

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APPROVED BY:

Board of Adjustment

Ann Jean Sullivan

Date 11/4/2010

Zoning Administrator

Jeff Sherman

Date 11-4-2010

DISTRIBUTION:

01 – Board of Adjustment

02 – Zoning Administrator

EFFECTIVE DATE & HISTORY:

01/01/09 – Original

11/4/10 - Minor Office Procedural Changes

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PURPOSE:

To establish a standard for an applicant to request a conditional use to be permitted on their property or a request for a variance from the Floyd County Zoning Ordinance, with said requests being heard by the Floyd County Board of Adjustment.

SCOPE:

This procedure applies to all applicants. This procedure must be followed completely before a conditional use/variance will be permitted on any property located in Floyd County.

REFERENCES:

Iowa Code Chapter 335

Floyd County Zoning Ordinance 358A.512 – Board of Adjustment

DEFINITIONS:

Board of Adjustment – The Board of Adjustment, hereinafter referred to as “the Board”, consists of five (5) members appointed by the Board of Supervisors. The Board members serve for a term of five (5) years, at which time they will have the option to serve for an additional five (5) years or terminate their membership upon expiration of their current term. The Board elects its own chairman to serve for a period of one (1) year. The chairman shall be responsible for calling the hearings to order, administering oaths, and compelling the attendance of witnesses. The Board’s responsibilities are outlined in Floyd County Zoning Ordinance 358A.512 as found on the County website at <http://www.floydcoia.org/departments/planningzoning/forms.asp> and the Board’s regular scheduled hearing date is the third (3rd) Tuesday of the month.

Application Requirements – An Applicant must fill out and submit either a Request for a Conditional Use or a Request for a Variance to the Floyd County Planning & Zoning Department three (3) weeks prior to the Board’s regular scheduled meeting day. Said application must include the name, address and phone number of the applicant; location of the property; and what is being requested. A nonrefundable \$150.00 fee shall also accompany the application along with a list of all property owners within 500 feet of the subject property and details concerning the request, including but not limited to: business plans, site maps, sketches, building plans, etc. Any site maps, sketches, and building plans

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must include all existing facilities on the property, as well as dimensions and distances of the proposed project from the property lines. The Applicant may also submit letters of support or objection from surrounding property owners or other interested parties.

PROCEDURE:

1. Contact the Floyd County Zoning Administrator/Assistant or visit the Floyd County website at <http://www.floydcoia.org/departments/planningzoning/index.asp> to obtain a Request for Conditional Use application or a Request for a Variance application.
2. Upon completing the Request for Conditional Use/Request for Variance application, the applicant must submit same to the Floyd County Planning & Zoning Department three (3) weeks prior to the Board's regular scheduled meeting date along with the \$150.00 nonrefundable fee and any other supporting documents.
3. Upon receiving the Conditional Use/Variance Request and accompanying fee, the Zoning Administrator or Assistant will go through a checklist to determine what zone the property is located in, whether the applicant is the owner of the property, whether the conditional use/variance being requested complies with the uses allowed in the current zone for that property, and whether or not the applicant has a sufficient plan to submit to the Board regarding the request. The Administrator or Assistant may also visit with the applicant to ask any questions concerning their request.
4. Once the checklist has been completed, the Administrator or Assistant will set a hearing date for the 3rd Tuesday of the next available month and verify that the list of surrounding property owners includes all property owners within 500 feet of the subject property. A notice will be sent to the applicant with the date and time of the hearing, as well as sent to all property owners within 500 feet of the subject property and published in the Charles City Press. Anyone in support of or against the request will be allowed to attend the hearing or submit a letter to the office of the Planning & Zoning Department to make their position known.
5. The applicant and/or a representative will need to appear before the Board at the time of the scheduled hearing. The applicant will be asked to give a presentation as to why they are making a conditional use/variance request. As part of the presentation, the applicant will want to have a copy of all documents they submitted with the Request for Conditional Use/Variance application and a minimum of six (6) copies of any additional documents they wish to submit in support of their request. Anyone who appeared on behalf of or against the conditional use/variance request will be given the opportunity to speak to the Board, as well.



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6. The Board will have the option of making their decision during the hearing or tabling their decision for a second (2nd) hearing date if there are unanswered questions, missing information, or the Board would like the opportunity to visit the subject property. The applicant will receive a disposition letter stating what the Board's decision was in writing, although they will know the decision at the time of hearing as well.
7. If the applicant's request is granted, the applicant will want to contact the Floyd County Zoning Administrator before proceeding with any building plans. The purpose of this is to obtain any permits that may be required for the project, as well as to obtain information concerning setbacks and what is or is not allowed on the subject property. Through the various checklists, the Administrator or Assistant should generally know ahead of time if the applicant will need any permits or any additional information.
8. If any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of the Floyd County Zoning Ordinance, or any taxpayer or any officer, department, board or bureau of the County may seek such relief through the Courts as provided by law.

The Zoning Administrator can be contacted at 641-257-6145 or on the 1st floor of the Floyd County Courthouse.