JONES COUNTY
BOARD OF ADJUSTMENT

AGENDA

TUESDAY, November 17, 2026 4:00 p.m.
COMMUNITY ROOM, JONES COUNTY COURTHOUSE

4:00 p.m.

- Call meeting to order, approve agenda, and October 20, 2026 meeting minutes.

- Public hearing for property owners Ethan & Shasta Ehrisman who have applied for a Variance within the R-Residential zoning district described as Stone Bridge Estates Lot 1 (parcel 02-17-300-022) in Section 17 of Lovell Township generally located at 22150 Stone Bridge Rd., Monticello. More specifically, the proposal is to request a variance on side yard set backs from the property line in order to build a private detached 25'x 65"garage.

- Action for property owners Ethan & Shasta Ehrisman who have applied for a Variance within the R-Residential zoning district described as Stone Bridge Estates Lot 1 (parcel 02-17-300-022) in Section 17 of Lovell Township generally located at 22150 Stone Bridge Rd., Monticello. More specifically, the proposal is to request a variance on side yard set backs from the property line in order to build a private detached 25'x 65"garage.

- Discussion and action for annual appointments and administrative rules.

- Next meeting, if needed is December 15, 2026. Application deadline is Wednesday November 25, 2026.

- Adjourn

Jones County Board of Adjustment **October 20, 2026, at 4:00 p.m.**

Meeting Minutes

Members present:

John Hinz
Kathy McDonell
Sarah Tate
Roger Kistler

Members Absent:

Stan Reiter

Staff present:

Whitney Amos – Land Use Administrator

Visitors present:

Scott Story	Larry Minnaert
Gene Andresen	Brittney Minnaert
Troy Minnaert	Joshua Knorr

Hinz called the meeting to order at 4:00 p.m.

Motion by Tate was seconded by McDonell to approve the agenda. All Aye. Motion Carried.

Motion by Tate seconded by Kistler to approve the meeting minutes for the September 15, 2026, meeting.

Motion by Kistler seconded by McDonell to open the public hearing at 4:00 for property owners Scott & Kimberly Story who have applied for a Special Permitted Use within the A-Agricultural zoning district described as W 15A Lot 4 N of Rd FRR 10.43 Acres (parcel 15-14-100-011) in Section 14 of Hale Township generally located at 8638 Jungletown Rd., Oxford Junction. More specifically, the proposal is for a recreational campground to be brought into compliance with the Jones County Ordinance.

Amos noted that the Board received the copies of the application, aerial map, and written report. Amos noted here were multiple written comments received.

Story stated that originally this campground opened to just family and friends and then word of mouth spread and there were more people wanting to come.

There were questions about human waste, Story advised that all guests are required to take out all waste and garbage when they leave, nothing is left behind and that him and his wife monitor things very closely.

The Minnaerts all stated that this has affected them and that some family members will not come to visit due to the worry of seeing nude people, they are concerned for the grandchildren that live there as well seeing nude people. Them being neighbors feel that they should not have to worry about seeing nude people. Minnaerts did advise that Story puts up a sunscreen that runs along the property to block the view. The sunscreen has been removed and trees are planted.

Motion by Tate seconded by McDonell to close the public hearing at 4:[illegible]pm.

There was much discussion about the property lines and the utilization of old riverbed, which is owned by the State of Iowa. According to the application it appears this is where most of the campsites are located. Tate had concerns about this turning into a nuisance where others cannot enjoy their own property in fear of seeing nude people. There was also concern about parking. Story did advise that they do have room for parking and that has never been an issue.
Kistler had concerns about this being a clothing optional campground bordering public property (river) and that the applications states it is a family friend campground. Story advised that when children are present, they do try to keep things more modest.

It was also stated that hand sanitizer is available to campers and rainwater showers.

Motion by Tate seconded by McDonell to deny the special use application for property owners Scott and Kimberly Story until the applicants acquire ownership of the property, they are currently utilizing that is owned by the State of Iowa. The applicants may return to the Board of Adjustment once the land is acquired without being required to re-apply, at which time they must address quiet hours and present a mitigation plan to ensure the property does not become a nuisance.

Roll call vote:
John Hinz- aye
Kathy McDonell- aye
Sarah Tate- aye
Roger Kistler- aye

All aye. Motion carried.

The next regular scheduled meeting is November 17, 2026, with the application deadline being Wednesday October 28, 2026.

Motion by Tate seconded by McDonell to adjourn at 4:45 p.m. All aye. Motion carried.

Jones County Land Use
Rm 113 Courthouse, 500 W Main St.
Anamosa, Iowa 52205
Phone: 319-462-2282 Fax: 319-462-5815
Email: landuse@co.jones.ia.us
http://www.jonescountyiowa.org

JONES COUNTY LAND USE

Written Report of the Jones County Land Use Administrator

Application from:	Ethan & Shasta Ehrisman
For property located:	22150 Stone Bridge Rd., Monticello
Brief legal description:	Stone Bridge Estates Lot #1
Parcel number:	02-17-300-022
Parcel size:	1.97 acres
Proposal:	To allow an accessory building to have a reduced side yard setback from 10 feet.
Current Zoning District:	R-Residential
Applicable Ordinance Provisions:	**Article V. Zoning Districts** ▪ Section 3. R-Residential o C. Permitted Accessory Uses o E. District Regulations ▪ Article XIII – Accessory Building and Use Requirements
Date application received:	October 27, 2026
Applicable fee:	$250 paid on October 27, 2026
Notice published: (Article XXI-Section 5)	Week of November 1, 2026 (7 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	October 29, 2026
Report mailed to Board of Adjustment: (Article XXI-Section 7)	November 10, 2026
Report mailed to Applicant: (Article XXI-Section 7)	November 10, 2026

Copy of application, aerial maps, and letters.

See pages 2, 3, and 4 for report.

Page 2: Owners: Ethan & Shasta Ehrisman
Property Location: 22150 Stone Bridge Rd., Monticello
Board of Adjustment meeting: November 17, 2026 at 4:00 p.m.

Report of the Jones County Land Use Administrator

(Article XXI-Section 7)

	Jones County Engineer – Derek Snead
Comments:	*This property is adjacent to a private lane and not a Jones County secondary road. The Roads Department does not have any issues with what the applicant has proposed.*
	Jones County District Soil Conservationist – Addie Manternach
Comments:	*After reviewing this Variance application, I do not see any major concerns/impacts of the proposed side yard setback about impacts on natural resources. From the point of view of the Jones Soil & Water Conservation District, the expansion should have no significant negative effects on the soil and water resources of this area. However, if there will be any land disturbing activities as part of this proposed project, the landowner is advised to take precautions to control soil erosion and sediment runoff from the construction site. During any construction where earthmoving occurs or existing land cover is disturbed, there is the potential for increased soil erosion from wind and rain. Runoff from heavy rain events during construction is likely to wash soil and other loose material into nearby water bodies, impairing the water quality and degrading aquatic habitat. The Jones Soil & Water Conservation District advises putting a construction site erosion control plan in place prior to starting any land disturbing activity. The plan should include the installation of practices such as silt fence and mulching to prevent on-site soil erosion and address sediment leaving the property.*
	Jones County Sanitarian – Lisa Brogran
Comments:	*Did not see that they would be using water in the proposal/sketch, but if they intend to use water in the pole building, i.e. a sink or bathroom, they will need to apply for a septic permit through Jones County Environmental to connect to existing system.*
	Flood Plain Manager – Brenda Leonard
Comments:	*Property located at 22150 Stone Bridge Road is not located in or near a flood plain.*
	Jones County Conservation Board - Brad Mormann
Comments:	*No comments received.*
	911 Coordinator – Gary Schwab
Comments:	*In review of the above stated application the Jones County 911 office finds that there are no conflicts, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances.*

Variance Qualification Factors (Article XX-Section 5.c)	
	Said variance is not contrary to the public interest.
	Said variance is not contrary to existing County and State regulations governing septic and well systems.
	Said variance allows for an adequate distance of separation between structures on the lot and between structures on adjoining lots.
	Special conditions exist so that a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.
	The spirit of this Ordinance is observed and substantial justice is done.

Variance Checklist	
	Practical difficulty & Reasonable return; Applicant cannot build a standard structure due to set back or height restrictions. It deprives the applicant of beneficial use (not just economic or profit loss)
	Unique Circumstances; Steep lopes or severe topography, irregular lot size or shapes, restrictive placement of utilities or easements.
	Not Self-Created; The irregular lot lines or utility easements predates the owners purchase, the applicant did not purposefully create the design constraint.
	Preservation of local character; Structure blends with neighboring buildings, heights and sizes, it does not increase the intensity of use or disrupt traffic.
	Permitted Use Alignment; applies only to permitted principal, conditional, or accessory uses. Cannot be used to establish an unpermitted use.
	Approval best serves the interests of justice.

Other Considerations	
	Compatible with goals of the Comprehensive Plan.
	Will not interfere with area farm operations.
	Will not impair the light, water or air quality of the area.
	Will not increase exposure to hazards of fire, floods, or other dangerous or unhealthy conditions in the area.

	Impact which the application will have on the overall land use plan in Jones County (Article XXI-Section 7)
Comments: *The 2023 Comprehensive Plan describes the tools that manage land use such as the zoning and subdivision ordinance. The setback regulations are set forth within the zoning ordinance and are not specifically mentioned within the 2023 Comprehensive Plan.*	
	Impact which the application would have on surrounding property: (Article XXI-Section 7)
Comments: *There are generally residential properties in this area. The property is limited by the topography and utility lines.*	

Page 4: Owners: Ethan & Shasta Ehrisman
Property Location: 22150 Stone Bridge Rd., Monticello
Board of Adjustment meeting: November 17, 2026 at 4:00 p.m.

Review by the Board of Adjustment (Article XXI Section 8.) Options to the Board of Adjustment:
□ *Approve the application in full.*
□ *Approve the application subject to modifications or conditions.*
□ *Table the application and to request review by the Board of Supervisors.*
□ *Deny the application (provide reasoning for denial).*

Comments: Prior to 2025 the variance rules were very strict. Applicants had to face an incredibly high legal bar to secure any variance. Because Iowa courts strictly applied the same test to everything an applicant trying to get a minor setback variance had to prove the exact same level or hardship as someone trying to build a commercial business. In 2025 there was a legislative change that took place effective July 1, 2025 allowing for a new variance standard of "practical difficulty." The new standards are applicable to area, dimensional, or other numerical limitations, in a zoning ordinance such as minimum lot size, setbacks, yard widths, and height. The statute does clarify that the property owners must prove that the practical difficulties faced are unique to the property at issue and not self-created and that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

In addition to changes with the variance laws, there are no restrictive covenants for Stone Bridge Estates, those covenants expired in 2016, making it so there are no additional restrictions only the Jones County Zoning Ordinance.

Whitney Amos
Jones County Land Use Administrator

Date 11/10/26

Iowa House File 652 changes how county and city boards of adjustment handle zoning variance requests by replacing the strict "unnecessary hardship" test with a more flexible **"practical difficulties" standard**. [1]

Key Details of the Law

- **Effective Date:** July 1, 2025
- **Signed By:** Governor Kim Reynolds on April 25, 2025
- **Affected Iowa Code Sections:** Amends sections 335.15 (county zoning) and 414.12 (city zoning). [1, 2, 3]

What the Law Changes

- **New Standard:** Boards of adjustment can authorize a variance if a literal enforcement of the zoning ordinance causes "practical difficulties" for the property owner in making a beneficial use of the land, provided the variance does not conflict with the public interest. [1, 2]
- **Scope:** Applies to area, dimensional, or numerical limitations in zoning ordinances, such as:
    - Minimum lot sizes
    - Setbacks and yard widths
    - Building height and bulk
    - Sidewalks, fencing, and signage
    - Off-street parking requirements [1]
- **Property Owner Requirements:** The applicant must prove that:

1. The practical difficulties are unique to the specific property and not self-created.
2. Granting the variance will not significantly alter the essential character of the surrounding neighborhood. [1]



House File 652

AN ACT

CONCERNING COUNTY AND CITY REGULATION OF REAL PROPERTY AND THE POWERS GRANTED TO A BOARD OF ADJUSTMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 335.15, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

STATE OF IOWA
KIM REYNOLDS
GOVERNOR

April 25, 2025

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 652, an Act concerning county and city regulation of real property and the powers granted to a board of adjustment.

The above House File is hereby approved on this date.

Sincerely,

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House

Sec. 2. Section 414.12, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 652, Ninety-first General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved April 25th, 2025

KIM REYNOLDS
Governor

Jones County Land Use
Rm 113 Courthouse, 500 W Main St.
Anamosa, Iowa 52205
Phone: 319-462-2282 Fax: 319-462-5815
Email: landuse@jonescountyiowa.gov
Website: www.jonescountyiowa.gov

Jones County Zoning

Variance Application

For Office Use Only

☐ Approved ☐ Denied Date:_____

Comments: _____

_____

Signature of Jones County Land Use Administrator

The Board of Adjustment will review the proposal and deny or approve.

Fee: $250.00 (non-refundable) payable to Jones County, with the completed application

Date Application Filed: 10/27/26

Owner Information

Name on property:	Ethan & Shasta Ehrisman		
Address to receive mail:	*House Number & Street:* 22150 Stone Bridge Road		*Apartment/Unit*
	City: Monticello	*State:* Iowa	*Zip Code:* 52310
Phone:		*E-mail Address:*	

Applicant Information

Name: (If different from above.)			
Address to receive mail:	*House Number & Street:*		*Apartment/Unit*
	City:	*State:*	*Zip Code:*
Phone:	( )	*E-mail Address:*	

Parcel Information

Township	Lovell	Section	17	Property Address	22150 Stone Bridge Road
Zoning District:	Residential			County Parcel ID, if known:	0217300022

Please attach the following to this application:
1. A description of the nature of the proposal.
2. A legal description of the real estate upon which the proposed use will be located.
3. A statement of the intended use.
4. A "sketch" map or aerial photo of the proposed site development noting the proposed parcel lines and building locations.
5. The disruption expected to be incurred on the area's present setting.
6. Methods to be implemented to lessen the severity of the said disruption.

VARIANCE

The five-member Board of Adjustment appointed by the County Board of Supervisors decides variances to the county's zoning ordinance. The decisions of the Board of Adjustment must comply with the provisions of the county ordinance as it is written. The Board of Adjustment's duty is not to compromise for a property owner's convenience but rather to apply appropriate legal standards to a specific fact situation. A variance may only be granted if the landowner proves that an unnecessary hardship will result if the zoning regulations are enforced as stated in the ordinance. Variances are intended to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

You will have an opportunity to present information to the Board of Adjustment regarding your request for a variance. To maintain impartiality and avoid a possible conflict of interest, do not speak to any member of the Board of Adjustment about your application except at the hearing. Do not direct any written communication about your application to a member of the Board of Adjustment unless you also file a copy with the Land Use Office. Your failure to observe these rules may invalidate your application.

Any landowner, or other person, aggrieved by a decision rendered under the Jones County Zoning Ordinance by the Board of Adjustment may file a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

A variance is requested because of the following reason:

☐ Proposal does not qualify as a Permitted Use in the zoning district in which it is located.

☐ Proposal does not qualify as a Special Permitted Use in the zoning district in which it is located.

☒ Proposal does not meet the lot area, or setback requirements, in the zoning district in which it is located.

☐ Other _____

Would this proposal qualify as a permitted or special permitted use if the property were located in a different zoning district?
Example: If your proposal is not permitted in the existing agricultural zoning district, it might be a permitted use in the residential zoning district.

☐ Yes If so, in which zoning district would your proposal qualify as a permitted, or special permitted use?
_____

☒ No

I believe the Jones County Board of Adjustment should grant a variance for this proposal, and that the proposal qualifies for a variance because of the unnecessary hardship imposed by the requirements of the Jones County Zoning Ordinance, as noted below:

☐ 1. Reasonable Return – The land in question cannot yield a reasonable return if it is used only for a purpose allowed in the zoning district in which it is located. Lack of a "reasonable return" may be shown by proof that the owner has been deprived of all beneficial use of his land. All beneficial use is said to have been lost when the land is not suitable for any use permitted by the zoning ordinance in zoning district in which it is located.

☒ 2. Unique Circumstances – The plight of the owner is due to unique circumstances and not the general conditions in the neighborhood. Problems common to several properties do not constitute "unique circumstances" (i.e. severe slope affecting numerous neighboring properties).

☒ 3. Self-created – An unnecessary hardship must not have been self-created. When property is purchased, the new owner assumes any liability created by the previous landowner.

☒ 4. Essential character – Use to be authorized by the variance will not alter the essential character of the locality. The Board of Adjustment cannot grant a variance if the proposed use will have detrimental effects on surrounding properties.

The Jones County Zoning Ordinance is available on-line at www.jonescountyiowa.gov/land_use.

The undersigned applicant certifies under oath and under the penalties of perjury that the foregoing information is true and correct.

_____ 10/23/2026
Applicant Signature Date

_____ _____
Owner Signature (if different than above) Date

Narrative in Support of Variance Request

1. Description of Proposal and Intended Use

I am requesting a dimensional variance from the required **10-foot side-yard setback** to construct a private detached garage/accessory building in the **north side yard** of my property. The garage will be accessory to the existing residence, and no change in the residential use of the property is proposed.

The garage was originally planned at approximately **30 feet in depth**. To minimize the amount of setback relief needed, I reduced the proposed depth to approximately **25 feet**. To remain completely outside the required setback at this location, the garage would need to be reduced to **less than 20 feet in depth**, substantially limiting its functional depth.

2. Legal Description

Lot 1, Stone Bridge Estates, in the S 1/2 SW 1/4 of Section 17, Township 86 North, Range 3 West of the 5th P.M., Jones County, Iowa.

3. Property Conditions and Alternatives Considered

The natural topography of the property significantly limits the areas reasonably suitable for construction. Much of the property has substantial slope, leaving two practical locations for the garage.

The proposed **north side-yard location** has favorable terrain and sits immediately adjacent to the existing driveway. This allows the garage to use existing access, minimizes additional site disturbance, and allows the building to fit naturally with the existing residence and layout of the property.

I have also investigated a second location in the **northeast corner of the backyard**. While this is the other reasonably viable location, the grade falls substantially across the southern portion of the building footprint. Based on preliminary evaluation of the existing grade, creating a level building surface could result in approximately **10 feet of exposed concrete foundation at the south end of the garage**. This would require substantially greater alteration of the existing terrain and result in a much more visually prominent foundation.

The secondary location would also require a substantially longer driveway through the backyard and would conflict with the existing electrical and water services to the residence. The electric utility evaluated this location on site and determined that accommodating the garage would require relocation of an existing **pad-mounted**

transformer that serves multiple homes in the neighborhood. The existing water service would also need to be relocated or otherwise addressed.

My property is prominently visible when approaching and entering the subdivision. The subdivision has a well-maintained and cohesive residential appearance, and the significant exposed foundation and greater alteration of the terrain associated with the northeast location would create a more prominent visual change. By comparison, the proposed north side-yard location would better integrate the garage with the existing residence, driveway, terrain, and overall appearance of the property.

4. Property Boundary Investigation and Project Planning

I made a good-faith effort to identify the property boundary and comply with the setback requirements during the planning process. I work professionally in **Geographic Information Systems (GIS)** and used desktop mapping software, the recorded subdivision plat, and GPS equipment available to me for planning purposes.

Initially, only the **southeast property corner monument** could be located. Using that monument and the bearings and distances shown on the recorded subdivision plat, I projected the side property line. Based on that information, the proposed 25-foot-deep garage appeared to have adequate room to meet the required setback.

During additional investigation, I subsequently located the **northeast property corner monument**. Its location did not align with my originally projected property line. Further investigation determined that a correction to the plat bearing information was necessary to properly relate the plat to the coordinate reference system being used. After reconciling the property line with both located corner monuments, the property line was closer to the proposed garage than originally anticipated.

The setback conflict therefore became apparent only after the second property monument was located.

By that time, substantial planning and site preparation had already occurred. **Contractors had been scheduled, the building site had been stripped in preparation for concrete work, multiple trees had been trimmed to accommodate the building, an existing fiber-optic communication line had been relocated to accommodate the proposed location, and project-specific materials, including the overhead doors, stone, and windows, had been purchased.** These preparations and commitments were made based on the property-line location reasonably understood at the time.

Once the setback issue was discovered, I stopped moving forward with construction and began evaluating alternatives rather than proceeding with the original plan. This included

further reduction of the building dimensions, investigation of the northeast backyard location, consultation with the electric utility, and pursuit of this variance before construction continues.

The setback issue was therefore **not knowingly created as part of the building design**. The original layout was developed through a good-faith effort to identify the property boundary using the monument and recorded plat information available at the time. When additional physical boundary evidence became available, I adjusted the property-line location accordingly and began addressing the resulting setback conflict.

5. Expected Impact and Efforts to Minimize the Variance

The proposed garage and requested setback variance are not expected to significantly alter the residential character of the surrounding area. The north side-yard location makes use of favorable existing terrain and the existing driveway while minimizing additional grading, infrastructure changes, and site disturbance.

I have also had multiple conversations with the owner of the property immediately adjoining the affected side property line. The adjoining property owner is familiar with the proposed garage location and layout and has indicated **no objection to the proposed placement**.

Throughout the planning process, I have attempted to minimize the amount of relief requested and evaluate reasonable alternatives. I reduced the garage depth, investigated the only other reasonably viable building location, had the electric utility evaluate the impacts associated with that alternative, and stopped construction once the property-line discrepancy became known.

Considering the property's **natural topography, limited suitable building areas, existing driveway and utility configuration, impacts associated with the alternative location, and surrounding residential character**, I believe the proposed north side-yard location represents the most reasonable and least disruptive location for the garage.

For these reasons, I respectfully request that the **Jones County Board of Adjustment approve the requested dimensional variance from the 10-foot side-yard setback**.

Property Sketch





















BOARD OF ADJUSTMENT
ADMINISTRATIVE RULES
JONES COUNTY
Adopted November 2026

In compliance with Iowa Code, Section 335.12 and the Jones County Zoning Ordinance, Title VI - Property & Land Use, the following rules and procedures are hereby adopted by the Jones County Board of Adjustment.

MEMBERSHIP

The Board shall consist of five (5) members appointed by the Board of Supervisors. The members shall reside within Jones County and all the members shall reside outside the corporate limits of any city. Members shall be removable for cause by the Board of Supervisors upon written charges and following public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

OFFICERS

The Board of Adjustment shall select a chairperson at the first regular meeting in July to serve for a period of one (1) year (July 1-June 30). In his or her absence, an acting chairperson will be designated by the other members.

DUTIES

The chairperson, or in his absence, the acting chairperson, will preside at all meetings, appoint committees, administer oaths, compel the attendance of witnesses and perform such other duties as may be ordered by the Board.

OFFICE OF THE BOARD OF ADJUSTMENT

The Jones County Land Use Office is designated as the office of the Board of Adjustment. The Land Use Administrator shall be responsible for the secretary's duties; record and maintain minutes of the meetings, ensure that the minutes are adopted and perform such other duties as the board may determine.

MEETINGS

The Board shall determine regular meeting dates. The chairperson, secretary or applicant may request special meetings. All meetings of the Board of Adjustment shall be open to

the public. The secretary shall keep and file records of the public hearings and other official actions. The secretary will provide the Board notice of the special meeting, purpose and time 48 hours in advance. If the special meeting is at the request of the applicant, costs of the special meeting will be assessed to the applicant.

QUORUM

A quorum of the board shall consist of 3 members. A quorum may be formed if one member of the three-person quorum is participating by teleconference. Without a quorum, no business will be transacted and no official action on any matter will take place.

PUBLIC NOTICE

On receipt of the application and filing fee, the Land Use Administrator shall place the application on the next regular Board of Adjustment meeting agenda and publish the public hearing notice including time and place at least five (5) days prior to the hearing, but no longer than twenty (20) days in the officially designated newspapers of the County. In addition, certified mailings shall be sent to all adjoining property owners with the time and place of the hearing.

ORDER OF BUSINESS

Call to order
Approval of agenda
Approval of minutes of previous meeting
Reports of officers, committees, staff
Unfinished business
New Business: Appeals and applications on the agenda
Time open for citizens wishing to address the Board on matters not on the established agenda
Any other discussion or announcements
Notice of next meeting
Adjourn

ORDER OF PUBLIC HEARING

Report by the Land Use staff
Appellants or applicants side of the case

Observer comments/case
Comment by Land Use staff
Appellant's rebuttal
Action by Board

CITIZEN PARTICIPATION

Persons other than Board members shall be permitted to address the Board on specific agenda items.

A citizen addressing the Board shall state his name and address.

Citizens shall be limited to three minutes speaking time per item unless additional time is granted by the presiding officer. Total citizen input on any subject under Board consideration shall be limited to a fixed period determined by the presiding officer.

Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the relevance of citizen comments. Citizens making personal, impertinent or slanderous remarks shall be barred by the presiding officer from further comment before the board.

The Board may, in its discretion, allow citizens who wish to raise a matter not on the agenda to address the Board at the end of the regular agenda

MOTIONS

Motions may be made by anyone on the Board except the presiding officer. The administrator shall restate the motion before a vote is taken.

DISCUSSION

A board member shall speak only after being recognized by the presiding officer. A member recognized for a specific purpose shall limit remarks to that purpose. A member, after being recognized, shall not be interrupted except by the presiding officer.

The presiding officer may enter into any discussion.

Each board member will limit his or hers remarks to a reasonable length.

The presiding officer has the right to close debate and speak last on any item.

Discussion may be closed on any item at any time by the presiding officer with concurrence of the majority of the Board.

Voting shall be by roll call and shall be recorded by aye or nay. Every member of the Board, including the presiding officer, is required to vote on each motion. A member shall

abstain if he believes there is a conflict of interest, particularly if the conflict is of a financial nature.

Roberts Rules of Order, Revised, shall govern all Board meetings in all cases where these rules do not provide the procedures to be followed.

POWERS OF THE BOARD OF ADJUSTMENT

The Board will hear:

Appeals from any decision involving an alleged error in any order, requirement, decision or determination made by the Land Use Administrator in the enforcement of the Jones County Zoning Ordinance.

Authorize in special use cases and variances from the terms of this Ordinance, as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provision of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice is done.

VOTE REQUIRED

The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decisions, or determination of the Land Use Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variance of this Ordinance.

APPLICATION FEE

The Board of Supervisors will set a filing fee which the Land Use Office will collect when the application is filed. The fees are payable to Jones County, Iowa, and are not refundable. The Land Use Administrator shall not take any action upon the application until the filing fee has been collected in full.

FEES FOR SPECIAL MEETINGS

The Board of Supervisors will determine the fee to hold any special meetings, when the special meeting was called in order to accommodate the schedule and any deadlines of the applicant.

ETHICS

Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the Land Use Administrator before the meeting.

Each member of the Board has an affirmative ethical duty to recuse themselves from hearing any matter before the Board in which financial, familial, intimate social interests, or public statements would call into question their ability to be impartial in the minds of a substantial portion of the general public; or in which a vote against the interests of one's family or close associates would likely cause significant tensions in those ongoing relationships.

Each member of the Board has an ethical duty to avoid obtaining, outside of the public hearing, alleged facts about, or opinions about, the merits of an application before the Board. Each case must be decided only on the basis of the evidence placed on the record in a public hearing of a matter before the Board. If a member of the public approaches a Board member, outside of the public hearing process, wanting to talk about a matter scheduled to be heard by the Board, the Board member should politely decline to discuss the matter.

Each member of the Board has an ethical duty to avoid saying anything in public for or against the merits of any matter before the Board, or any party involved in a matter before the Board, prior to the opening of the hearing on the case.

Members of the Board have a duty to scrupulously avoid involvements with parties to applications which might call into question their impartiality. For example, gifts or gratuities from a "grateful" applicant or member of the public after a hearing in which the Board member voted in favor of or against the party should not be accepted.

The Board will <u>not</u> consider a request (informal or not) for advice on theoretical or actual situations which potentially may later come before the Board as an appeal or application.

REVIEW BY BOARD OF ADJUSTMENT

The Board of Adjustment will review the application and report at the public hearing. If the land use change signs were not visible during site inspection, the request maybe tabled. It is also a recommendation by the Board of Supervisors that members of the Board of Adjustment review the properties on the agenda. At the said public hearing, the Board of Adjustment shall also receive comments from the applicant and the public at large. The Board of Adjustment shall then render its decision to approve the application in full, approve the application subject to modifications, table the application, request a review by the Board of Supervisors, or deny the application.

WRITTEN FINDINGS

The Board of Adjustment shall issue its decision in writing specifying the reasons for its decision. Whenever the Board of Adjustment approves or denies an application in full, or as modified, the decision shall also set out in detail the exact nature of the exception or

variance granted or denied including any specific restrictions to be placed on the variance or the reasoning for the denial. The Land Use Administrator shall mail a copy of the decision to the applicant.

PERMIT

The Land Use Administrator shall issue a permit to any applicant who is granted an exception or variance by the Board of Adjustment. The permit shall describe the property subject to the exception or variance and shall also specify the exact nature of the exception or variance granted. No development or construction may be initiated on the property until the variance permit is issued. The permit shall become null and void one (1) year after the date on which it is issued unless the approved use is commenced within that same one (1) year time period.

REVIEW BY BOARD OF SUPERVISORS

The Board of Adjustment may table any variance application in order to request review by the Board of Supervisors. The Board of Supervisors' review shall include a majority vote and shall be sent back to the Board of Adjustment for their consideration in a final decision. The Board of Adjustment will have thirty (30) days from the date of the original public hearing to make a ruling.

APPEAL TO DISTRICT COURT

Pursuant to 2005 Iowa Code Section 335.18, any landowner, or other person aggrieved by a decision rendered under this Ordinance by the Board of Adjustment may file a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

Adopted by the Jones County Board of Adjustment on_____ _____

Chairperson_____ _____