	<b>Mitchell County Board of Adjustment</b>	<b>Policy &amp; Procedures</b>
Effective Date: 03/29/2022	P-01: Conditional Use/Variance Hearings	Page 1 of 5

**APPROVED BY:**

Board of Adjustment \_\_\_\_\_ Date\_\_\_\_\_

Zoning Administrator \_\_\_\_\_ Date\_\_\_\_\_

**DISTRIBUTION:**


01- Board of Adjustment

02- Zoning Administrator

**EFFECTIVE DATE & HISTORY:**

03/29/2022- Original

**This is a controlled document with the words “MCZA POLICY & PROCEDURE” printed in RED on each page. Any procedure without this stamp affixed (see below) is not a controlled document and will not be updated.**

	<b>Mitchell County Board of Adjustment</b>	<b>Policy &amp; Procedures</b>
Effective Date: 03/29/2022	<b>P-01: Conditional Use/Variance Hearings</b>	Page 2 of 5

**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 Mitchell County Zoning Ordinance, with said requests being heard by the Mitchell County Board of Adjustment.

**SCOPE:**

These procedures are office procedures and shall be used by the staff of the Planning & Zoning Department when setting a conditional use/variance hearing.

**REFERENCES:**


**Iowa Code Chapter 335**

**Mitchell County Zoning Ordinance 17**

**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. Each Board member shall receive a reimbursement for mileage for each meeting he or she attends. The Board’s responsibilities are outlined in the Mitchell County Zoning Ordinance 17.

**Application Requirements-** An Applicant must fill out and submit either a Request for a Conditional Use or a Request for a Variance along with a Zoning Application to the Mitchell County Zoning Administrator. Said applications must include the name, address, and phone number of the applicant; location of the property; and what is being requested. A non-refundable


	<b>Mitchell County Board of Adjustment</b>	<b>Policy &amp; Procedures</b>
Effective Date: 03/29/2022	<b>P-01: Conditional Use/Variance Hearings</b>	Page 3 of 5

fee of \$300.00 shall accompany either the Request for a Conditional Use or Request for a Variance 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, etc. Any site maps, sketches, or building plans must include all existing facilities on the property, as well as dimensions and distances of the proposed project from the property lines. A non-refundable fee of \$55.00 shall accompany the Zoning Application. The Applicant may also submit letters of support or objection from surrounding property owners or other interested parties.

**Mitchell County Filing Procedure-** The filing and retention of documents in the office of the Mitchell County Planning & Zoning Department. Any time reference is made to the filing of a document, the document needs to be scanned to the County hard drive and saved in the appropriate file for the subject property unless stated otherwise. The original shall then be placed in an appropriate file folder. All original documents should be scanned to the hard drive and the original retained in the office.


**PROCEDURE:**

1. An applicant will need to contact the Mitchell County Zoning Administrator or visit the Mitchell County website at <https://mitchellcounty.iowa.gov/departments/planning-a-zoning/> to obtain a Request for Conditional Use or Request for a Variance as well as a Zoning Application.
2. Upon completion of the Request for Conditional Use/Request for a Variance application as well as a Zoning Application, the applicant must submit same to the Mitchell County Zoning Administrator along with a non-refundable \$300.00 for the Request for Conditional Use/ Request for Variance Application and a non-refundable \$55.00 for the Zoning Application and any other supporting documentation.
3. Upon receiving the Request for Conditional Use/Request for a Variance, the Zoning Application, and the non-refundable fees, the Zoning Administrator will go through a checklist with the applicant to determine what zone the property is currently 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 the subject property, and whether or not the applicant has a sufficient plan to submit to the Board regarding their request.. In order to answer these questions, the Zoning Administrator must research the

	<b>Mitchell County Board of Adjustment</b>	<b>Policy &amp; Procedures</b>
Effective Date: 03/29/2022	<b>P-01: Conditional Use/Variance Hearings</b>	Page 4 of 5

subject property on the Mitchell County Assessors page and the ArcMap, as well as refer to the Mitchell County Zoning Ordinance and review supporting documentation submitted with the application. Additional information can also be obtained by visiting with the applicant concerning their request.

4. Once the checklist has been completed, the Zoning Administrator will set a hearing date for the Board and verify the list of property owners includes all property owners within 500 feet of the subject property.
  
5. A Notice of Public Hearing must be published in the Mitchell County Press News and Enterprise Journal and mailed to all property owners within 500 feet of the subject property or up to one (1) mile of the subject property if surrounding property owners do not fall within the 500 feet radius, not less than four (4) days nor more than twenty (20) days prior to the hearing date. It is standard practice of this office to publish the notice ten (10) days prior to the hearing date or on the Friday two weeks prior to the hearing. A notice shall be emailed to MSC Legals at [msc.legals@globegazette.com](mailto:msc.legals@globegazette.com), Osage Advertising at [osage.advertising@globegazette.com](mailto:osage.advertising@globegazette.com), Amy Denning at [amy@ejnewspaper.com](mailto:amy@ejnewspaper.com), and Val Johnson at [val@ejnewspaper.com](mailto:val@ejnewspaper.com). A copy of any documentation accompanying the application should also be sent to the Board members prior to the hearing. A copy of the Notices of Public Hearing shall be filed in accordance with the Mitchell County Filing Procedures as described in the Definitions section above and the copies retained in the file should include a notation as to what date they were sent/emailed to the recipients. If there are any realtors involved, they should also be made aware of the hearing date.
  
6. Prior to the hearing, the Zoning Administrator will prepare an agenda for the Board. An agenda will be given to each Board member at the time of the hearing and a copy should be retained by the Zoning Administrator. At the time of the hearing, the Administrator will mark the attendance and the motions of the Board members on their copy of the agenda.
  
7. At the time of the hearing, the Administrator will also provide a sign-in sheet for anyone from the public who appears at the hearing, whether it be the applicants, realtor, neighbors, or any other interested parties.

	<b>Mitchell County Board of Adjustment</b>	<b>Policy &amp; Procedures</b>
Effective Date: 03/29/2022	<b>P-01: Conditional Use/Variance Hearings</b>	Page 5 of 5

8. After the hearing, the Zoning Administrator will transcribe the notes from the meeting to create the Minutes of the hearing, which will be retained in the office of the Planning & Zoning Department. The Administrator must also write a disposition letter to the applicants regarding the Board’s decision.
  
9. The Request for Conditional Use/Request for a Variance, Agenda, Minutes, Sign in Sheet, Maps and any other supporting documentation shall then be filed in accordance with the Mitchell County Filing Procedure described in the Definitions section above. All conditional uses and variances run with title to the land.