

**329.12 Board of adjustment — creation — powers — duties.**

1. The governing body of any municipality seeking to exercise powers under this chapter shall by ordinance provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The board of adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 to 414.19 for a city, or sections 335.12 to 335.21 for a county.

2. *a.* The board of adjustment shall consist of two members from each municipality, selected by the governing body thereof, and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality.

*b.* The terms of the members of the board of adjustment shall be for five years, excepting that when the board shall first be created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years.

*c.* Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which that member was selected.

*d.* Members shall be removable for cause by the appointing authority upon written charges and after public hearing.

3. The concurring vote of a majority of the board shall be necessary to do any of the following:

*a.* Reverse any order, requirement, decision, or determination of any administrative official.

*b.* Decide in favor of the applicant on any matter upon which the board is required to pass under any regulations adopted pursuant to this chapter.

*c.* Effect any variance from any regulations adopted pursuant to this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.12; 81 Acts, ch 117, §1053]  
2010 Acts, ch 1069, §116