

335.21 Trial to court.

1. If upon the hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take such evidence as the court may direct and report the evidence to the court with the referee's findings of fact and conclusions of law. The evidence and the referee's findings and conclusions shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board of adjustment unless it appears to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.21]

C93, §335.21

[2019 Acts, ch 24, §104](#); [2020 Acts, ch 1063, §182](#); [2021 Acts, ch 80, §218](#)

Referred to in [§329.12, 335.22](#)

Subsection 2 amended