

**OPENING STATEMENT
BOARD OF ADJUSTMENT**

The Board of Adjustment is a quasi-judicial board made up of independent volunteer citizens of the City that have been appointed by the Mayor. We are not a part of the City administration. We are served in our efforts by the staff of the Development Services Department. The Board's purpose is to approve or deny applications for Permitted Conditional Use Permits and variances from the Zoning Ordinance, which is Title 9 of the West Des Moines City Code, and to hear and decide appeals where it is alleged there is an error in any decision or determination made by the Development Services Director or his or her designee in the enforcement of the City's zoning regulations.

As a Board of the City, we welcome all testimony. We make our decisions based upon the facts and evidence allowed under the City Code, presented in staff's report, or presented in open meeting. If the proceedings become lengthy, we may ask that testimony be focused on new facts or evidence not already presented. We ask that if you wish to speak, please come forward to the microphone and state your name and address for the record prior to providing your testimony. Our proceedings are recorded in the event of litigation. We ask that the proceedings be orderly and that you please address your remarks to the Board.

In accordance with the Rules of Procedure: the order of proceedings for each application will be as follows:

1. Testimony and evidence presented by the applicant summarizing the request;
2. Questions of the applicant or appellant by the Board members;
3. Testimony by any member of the audience wishing to speak for or against the request, after which the hearing will be closed;
4. Presentation of staff's report and findings on the request;
5. Questions of staff by the Board members;
6. The Board's discussion of the testimony and evidence leading to a decision by the Board.

STATEMENT FOLLOWING THE VOTE ON A MOTION

The motion is approved (or denied).

Any person desiring to appeal this decision to a court of record may do so within 30 days from this date in accordance with the Code of Iowa.

FOR VARIANCES AND ZONING EXCEPTIONS:

For any variance/zoning exceptions granted by the Board for the construction of a specific project, the applicant shall have a period of one (1) year from the date of the variance/zoning exception to execute the building permit and commence with construction. If after the one (1) year period these requirements have not been met, the variance/zoning exception shall become null and void.

Any variance/zoning exception granted by the Board shall be for the specific project as stated in the request. Any subsequent expansions or additions which would violate Chapter 9, Zoning, shall be required to be reviewed by the Board of Adjustment through the established variance process.

FOR PERMITTED CONDITIONAL USE PERMITS:

For any Permitted Conditional Use Permit granted by the Board for a specific use, the applicant shall have a period one (1) year to vest their entitlement in accordance with Section 9-1-9(A)(2) of the City Code or else the approval becomes null and void.