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christopherhall@charlescitypress.com or Gene Hall at genehall@charlescitypress.com



NOTICE: ORDINANCE NO. 1105, CITY OF ALGONA

-17609

ORDINANCE NO. 1105
AN ORDINANCE AMENDING THE
ALGONA MUNICIPAL CODE BY
AMENDING CERTAIN PARTS OF
CHAPTER 17.04 – ZONING
REGULATIONS REGARDING
BOARD OF ADJUSTMENT

BE IT ORDAINED BY THE CITY COUN-CIL OF THE CITY OF ALGONA, IOWA, as follows:

SECTION 1 The Algona Municipal Code

SECTION 1. The Algona Municipal Code is hereby amended by repealing paragraphs 3 through 6 of Section 17.04.290 and in their place the following are hereby adopted:

17.04.290 Board of adjustment; powers and duties.

The board of adjustment shall have the following powers and duties:

Variance; Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.

To authorize on appeal, in specific cases, such variance from the terms of this chapter with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owning to special conditions in literal enforcement of the provisions of this chapter will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning chapter, and so that the spirit of this chapter 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, side-walks, fencing, signage, and off-street parking. To receive the requested are, 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.

A variance from the terms of this chapter (#3 & #4 above) shall not be granted by the board of adjustment unless and until: A. A written application for a variance is submitted.

B. The board shall fix a reasonable time for the hearing of the variance and give not less than four days nor more than twenty days public notice in a paper of general circulation in the city thereof and decide the same within thirty days of the hearing. The property owners within one hundred fifty feet shall be notified by regular mail not less than seven days prior

to the hearing.
C. The public hearing shall be held. Any party may appear in person, or by agent

or by attorney.

D. The board of adjustment shall make findings that requirements of this subsection have been met by the applicant for

E. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, build-

ing, or structure.

F. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to public

welfare. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this

chapter.

until:

Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said

G. The city council may provide for its review of variances granted by the board of adjustment before their effective date. The city council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand. Such remand shall occur within thirty days of

the board of adjustment decision.

4. Conditional Use Permit; Conditions
Governing Application; Procedures.
To authorize upon appeal in specific cases such conditional use from the terms of
this chapter as will not be contrary to the
public interest. A conditional use from the
terms of this chapter shall not be granted
by the board of adjustment upless and

A. A written application for a conditional use permit is submitted indicating the section of this chapter under which the conditional use permit is sought and stating the grounds on which it is requested. B. The board shall fix a reasonable time for the hearing of the conditional use application, and give not less than four days nor more than twenty days public notice in a paper of general circulation in the city thereof, and decide the same within thirty days of the hearing. The property owners within one hundred fifty feet shall be notified by regular mail not less than seven

days prior to the hearing.
C. The public hearing shall be held. Any party may appear in person, or by agent

or by attorney.

D. The board of adjustment shall make findings that requirements of this subsection have been met by the applicant for a

conditional use permit.

E. The board of adjustment shall further make a finding that the reasons set forth

in the application justify the granting of the conditional use permit, and that the conditional use permit will make possible the reasonable use of the land, building,

F. The board of adjustment shall further make a finding that the granting of the conditional use permit will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimen-

tal to the public welfare.

5. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

6. Any variance/conditional use permit/special exception granted is subject to any existing easements. SECTION 2. REPEALER. Any ordinanc-

SECTION 2. REPEALER. Any ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publi-

cation as provided by law.

PASSED AND ADOPTED by the City
Council on the 21st day of July, 2025 and
approved by the Mayor on the 21st day
of July, 2025.

approved by the Mayor on the 21st day of July, 2025. (No. 17609 published in the Kossuth County (Algona, IA) Advance July 31, 2025.)

This and other legal notices from around lowa are searchable at www.iowapublicnotices.com.



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