FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

W. E. ECKHARDT, PATRICIA A. ECKHARDT, DAVID SCHAAL, JEAN SCHAAL, CLAUDINE HARRIS, KENNETH HUBEL, AND ALBERTA ROGERS BRUNTON,

Appellants,

vs.

CITY OF IOWA CITY BOARD OF ZONING ADJUSTMENT,

Appellee.

Filed November 22, 1978

707
2-61776

Appeal from Johnson District Court - August F. Honsell, Jr., Judge.

Plaintiffs appeal order sustaining defendant's motion to quash for failure to comply with 30 day time limit of § 414.15, The Code. - Affirmed.

Bruce Washburn, of Diehl & Washburn, Iowa City, for Appellant.

Angela Ryan, Assistant City Attorney, Iowa City, for Appellee.

Submitted to Oxberger, C.J., and Donielson, Snell and Carter, JJ.

PER CURIAM

Plaintiffs W. E. Eckhardt et al appeal trial court's order sustaining defendant's motion to quash writ of certiorari. We affirm.

On January 16, 1978, plaintiffs filed a petition for writ of certiorari to review the November 16, 1977, decision of defendant Iowa City Board of Zoning Adjustment. The Board moved to quash the writ alleging that plaintiffs failed to comply with the 30 day time limit of § 414.15, The Code. That section provides in pertinent part:

> Petition for Certiorari. Any person... aggrieved by any decision of the board of adjustment... may present to a court of record a petition, duly verified, setting forth that such decision is illegal,.... Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

Trial court held a factual hearing on the Board's motion to quash. It found that the November 16 decision of which plaintiffs complain was filed in the office of the Board on December 1, 1977. Accordingly, trial court held that plaintiffs' petition for certiorari was not timely since it was not brought within the 30 day period required by statute. Plaintiffs assert there was insufficient evidence to support a finding that the decision was filed December 1.

Alternatively, plaintiffs contend the Board is precluded from asserting the December 1 filing date by the doctrine of equitable estoppel. Trial court found that the Board made no false representation or concealment with regard to the date of filing, and therefore, plaintiffs failed to prove one of the essential elements of estoppel.

Since our review is on errors assigned, trial court's findings of fact are binding on us if supported by substantial evidence and justified as a matter of law. Manson State Bank v. Diamond, 227 N.W.2d 195, 199 (Iowa 1975). Viewing the evidence in a light most favorable to the order, we find there is substantial evidence to support the fact findings of the trial court.

AFFIRMED.