

Chapter 1

BOARD OF ADJUSTMENT

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Sec. 1-1. Board Established.

A Board of Adjustment is hereby established. The word "Board" when used herein, shall mean the Board of Adjustment. The Board shall consist of seven (7) members, and shall be appointed by the Mayor, with the advice and subject to the approval of the Council for a five (5) year term. The terms of such membership shall be staggered as follows: two (2) of the memberships shall be appointed for an initial term of one (1) year; and two (2) of the memberships shall be appointed for an initial term of three (3) years; and remaining and subsequent appointees shall serve the full five (5) year term. Board members shall be selected without respect to political affiliation. In case any vacancy should occur in the membership of the Board, for any cause, the Mayor shall fill such vacancy by making an appointment with the advice and subject to the approval of the Council, for the unexpired term. City staff shall provide such training for the Board as is practical. The Board shall be considered as a Board of Hearing Examiners with decision making powers subject to appeal of the Council. The members of the Board shall hold office at the pleasure of the Mayor; the Mayor may revoke their appointment at any time and for any reason deemed sufficient by the Mayor, with the approval of the Council.
(Ord. 86-27, 9/2/86; Ord. 2005-30, 09/19/05)

Sec. 1-2. Public Hearings.

Any affected person may appear before the Board or may file reasons in writing for supporting or opposing the

applicant's request. The Board shall conduct hearings and accept evidence in accordance with the rules established by the Board.

Sec. 1-3. Powers of Board.

To hear and decide appeals from any determination made by the Building Inspector, application for conditional use, special use, and/or variances. The concurring vote of the majority of the members of the Board shall be necessary to reverse any determination of the Building Inspector, or to grant any conditional use, special use permit, and/or issue a variance when the requirements as set forth herein regarding the same are found to exist.
(Ord. 2005-30, 09/19/05)

Sec. 1-4. Meetings.

Meetings of the Board shall be held at least once a month provided there is business to transact and at such other times as the chairman of the Board may determine. There shall be a fixed place of meeting, and all regular Board meetings shall be open to the public. At least one notice of all public hearings of the Board shall be published in the official newspaper at least ten (10) days prior to the public hearing. Such notice shall contain a map of the area and/or legal description of the area which is the subject of application for a conditional use permit or a variance. The Board shall adopt its own rules of procedure and keep a record of its proceedings, findings and action in each case, and the vote of each member on each question considered in the proceedings. The presence of three (3) members shall be necessary to constitute a quorum and three (3) affirmative votes shall be necessary for granting a variance or conditional use permit.

Sec. 1-5. Procedure.

Application for conditional use permits or appeals and variances from a ruling of the Building Inspector, concerning the provisions herein contained,

may be made to the Board within such times as shall be prescribed by the Board. Further procedures and fees shall be established by resolution of the Council.

Sec. 1-6. Stay.

When any appeal is made to the Board from a decision of the Building Inspector, any further findings of the matter shall be stayed until the final determination by the Board of Adjustment.

When an appeal is taken to the Council from any decision of the Board, all proceedings therein shall be stayed until final determination of the Council.

When an appeal is taken to the District Court from any decision of the Board, or the Council, all proceedings therein shall be stayed until final determination by the District Court.

(Ord. 86-27, 9/2/86)