

BOARD OF ZONING APPEALS

Chapter 2.18

BOARD OF ZONING APPEALS⁸

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2.18.010 Created - Composition - Terms.

There is established a zoning board of appeals for the city; said board shall consist of seven members to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed shall serve for a term of five years. (Prior code § 9.301(a).)

2.18.020 Members - Appointment - Removal - Vacancy filling.

All appointments to the zoning board of appeals shall be made by the city council. One of the members so appointed shall be named as chairman at the time of his appointment. The city council shall have the power to remove any member of the zoning board of appeals for cause after public hearing. Vacancies shall be filled by the city council as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reasons, the city council shall immediately appoint, at its option, either one of the remaining members on the board, or any member who is appointed to fill such vacancy on the board as the new chairman. (Prior code § 9.301(b).)

2.18.030 Meetings.

All meetings of the zoning board of appeals shall be held at the call of the chairman, and at such other times as the board may determine. All testimony by witnesses at any hearing provided for in this zoning ordinance shall be given under oath. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the city clerk and shall be of public record. (Prior code § 9.301(c).)

2.18.040 Vote required to reverse decisions.

The concurring vote of four members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the building commissioner, or to decide in favor of the applicant on any matter upon which it is authorized by this code to render a decision. The zoning board of appeals shall make no recommendations except in a specific case and after public hearing. (Prior code § 9.301(d).)

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2.18.050 Authority to publish zoning notices.

The zoning board of appeals is designated as the proper commission or committee to post or publish notices as required by statute and this code pertaining to special uses and proposed amendments to the regulations imposed and the districts created by the zoning ordinance of the city, and to make a written report and recommendation to the city council on any such proposed amendments or special uses. (Prior code § 9.301(e).)

2.18.060 Jurisdiction and authority.

The zoning board of appeals is invested with the following jurisdiction and authority:

- A. To hear and decide appeals from any order, requirement, decision, or determination made by the building commissioner under this code;
- B. To hear and decide variations from the terms provided in this code in the manner and subject to the standards set forth in this section;
- C. To hold public hearings in matters pertaining to applications for special uses and amendments, and submit reports to the city council setting forth its findings and recommendations in the manner prescribed in this section for special uses and amendments; and
- D. To hear and decide all matters referred to it or upon which it is required to pass under this code.

(Prior code § 9.302.)