

SECTION 18

BOARD OF ADJUSTMENT

A board of adjustment is hereby created. The board shall consist of five (5) members, who shall be freeholders, appointed by the mayor and approved by the legislative body, each to be appointed for a term of five (5) years, excepting that when the board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members shall be removable for cause by the mayor and legislative body upon written charges and after public hearing. Vacancies shall be filled in the manner stated above for the unexpired term of any seat which becomes vacant.

- 18.1 The board of adjustment shall adopt rules for conducting its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Each session of the board of adjustment, at which an appeal is to be heard, shall be a public meeting with public notice of said meeting and business to be carried or published in a newspaper of general circulation in the city, at least one time seven (7) days prior to the meeting. The concurring vote of four (4) 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 these regulations.
- 18.2 An appeal may be filed with the board of adjustment by any person, group, or organization, public or private, affected by a decision of the zoning administrator. Such appeal shall be heard within such time as prescribed by the board by general rule, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. A fee of ten dollars (\$10.00) shall accompany all notices of appeal. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- 18.3 The board of adjustment shall have the following powers:
 - 18.3.1 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this ordinance,

and to affirm or reverse, in whole or part, said decision of the enforcement officer.

18.3.2 To hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration and to grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The board of adjustment shall not permit, as a variance, any use in a district that is not permitted under the ordinance. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent property.

18.3.3 To hold public hearings on and decide the following exceptions to or variations of this ordinance:

18.3.3.1 To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this ordinance.

18.3.3.2 To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the Comprehensive Plan, as shown upon the zoning district map, where the street layout on the ground varies from the street layout as shown on this map.

18.3.3.3 Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition, when related to the yard regulations of this ordinance, would prevent a reasonable or sensible arrangement of buildings on the lot.

18.4 Decision of the board in respect to the above shall be subject to appeal to the circuit court of Iron County within thirty (30) days after the filing of the decision in the office of the board.