

ARTICLE 8

APPEAL OF ADMINISTRATIVE DECISION

Appeal Procedure

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance, or of any ordinance adopted pursuant thereto, that interpretation may be appealed to the Board of Zoning Appeals. In its deliberations, the Board of Zoning Appeals must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board can clarify ambiguities or resolve conflict between opposing sections. Since the Board's decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

The applicant shall first meet with the Office of the City Engineer to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained.

The applicant shall file a completed application with the Office of the City Engineer and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

When an application has been fully completed, the fee paid and all required information submitted, the City Engineer shall then schedule a regular meeting of the Board of Zoning Appeals and send copies of the application to members of the Board of Zoning Appeals. Twenty (20) days prior to the Board meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the appeal and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning Commission.

At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board within a reasonable period of time from the completed application and fee submittal and a written decision must be rendered without unreasonable delay.

The Board of Zoning Appeals may either affirm, reverse, or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Commission. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.