

5.7 Board of Adjustment/Planning Commission

There shall be a Planning Commission/Board of Adjustment consisting of five (5) members appointed by the City Council for three (3) year terms.

Said Board of Adjustment shall meet at least once each month if there are any petitions then pending for action before the Board, in accordance with the terms of this Section.

Appeals to the Board of Adjustment may be taken by any person aggrieved. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, or by agent, or by attorney.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards in each case.

Powers: The Board of Adjustment shall have the following powers:

- a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Office.
- b. To hear requests for variances from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance. The Board of Adjustment may not permit as a variance any use that is not permitted under the Ordinance for property in the zone where the affected person's land is located.

In exercising the above mentioned powers such Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken.

The majority vote of the members of the Board shall be sufficient to reverse any order; requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.