

BOARD OF ADJUSTMENT **(STATUTORY)**

CREATING AUTHORITY: Adopted on March 12, 1975 by Ordinance No. 1975-2. Amended by Ordinance No. 1983-4, Ordinance No. 1986-18, Ordinance No. 1986-24, Ordinance No. 1994-30 and Ordinance 1999-12, and Amended on October 14, 2009 by Ordinance 2009-42.

MEMBERS: Consists of seven (7), appointed by the Mayor and approved by the Governing Body. Four (4) members constitute a quorum, and the chairman may vote on all questions.

TERMS: The members shall serve for overlapping terms of (3) years or until their successors are appointed; except, that the original appointments shall be two (2) for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.

QUALIFICATIONS: At least two (2) of the members of the board may be members of the Planning Commission, and there shall be five (5) members-at-large. Members of the Governing Body may serve as at-large members.

VACANCIES: Shall be filled for the unexpired term in the same manner as for any other appointment.

REMOVAL: Members shall serve at the pleasure of the governing body and may be removed with or without cause.

CHAIRMAN: The board shall elect one (1) of its members as chairman, to serve as such for a period of one (1) year, without restriction as to re-election.

MEETING TIMES: 3rd Tuesday of the month, 7:00 p.m.

STAFF LIAISON: Dan Esquibel, Planner Senior
(955-6587)

MINUTES OF PROCEEDINGS; PUBLIC RECORD; MEETINGS: The board of adjustment shall keep minutes of its proceedings, showing the vote of each member of each question, or indicating absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Land Use Department and shall be public record. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.

POWERS AND DUTIES:

- A. The Board of Adjustment shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the Board of Adjustment shall have the following additional responsibilities under this chapter:

1. Appeals

To hear appeals of final actions of the Land Use Director interpreting or applying the provisions of this chapter, unless jurisdiction for such appeals is otherwise specifically reserved to any other Land Use Board.

2. Special Exceptions

To hear and decide application for special exceptions as the Board is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter or to deny special exceptions when not in harmony with the intent and purpose of this chapter.

3. Variances

To authorize in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.