

CHAPTER 13 BOARD OF ADJUSTMENT

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2-13-1 BOARD OF ADJUSTMENT. A Board of Adjustment is hereby created. The Board shall consist of five (5) members appointed by the Mayor and approved by the City Council, each to be appointed for a term of five (5) years. Members shall be removable for cause by the Mayor and Council, upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2-13-2 RULES; MEETINGS GENERAL PROCEDURE. The Board of Adjustment shall adopt rules for the conduct of 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 publication in a newspaper of general circulation in the City, at least one time seven (7) days prior to the meeting.

2-13-3 APPEALS; FEE. An appeal may be taken to the Board of Adjustment by any person, group or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official a notice of appeal specifying the grounds thereof. A fee of fifty dollars (\$50.00) shall accompany all notices of appeals. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

2-13-4 POWERS. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Building Official in the enforcement of the Zoning Ordinance, and may affirm or reverse, in whole or part, said decision of the enforcement officer.

2. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and 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 regulations. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the regulations. The Board of Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

3. To hold public hearings on, and decide the following exceptions or variations of the Zoning Ordinance:

- A. 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 the Zoning Ordinance.

B. Interpret the provisions of the Zoning Ordinance in such a way as to carry out the intent and purpose of the 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.

C. Permit reconstruction of a nonconforming building otherwise prohibited where such action would not constitute continuation of a monopoly.

D. 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 the Zoning Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

E. Vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by the Zoning Ordinance or where it can be conclusively shown that adequate off street parking to serve a particular use has been provided by or is controlled by the Municipality.

4. Special Use Permits may be granted by the Board of Adjustment as provided by Chapter 5-1M of Title VI (Land Use Regulations).

5. Decisions of the Board with respect to the proceedings shall be subject to appeal to the District Court of Jackson County within thirty (30) days after the filing of the decision in the office of the Board. However, appeals regarding the enforcement of Subchapter 10, Signs, of Title V, Land Use Regulations, shall proceed according to the procedure set forth in 5-10-9 of the Code of Ordinance.

(Ord. 768, passed 10-21-91)

6. To hold public hearing regarding application for sign variances filed with the City of Maquoketa and make final decision whether application is approved or denied.

(Ord. 904, passed 9-8-98)

