
Sec. 21-3-4. Appeal Authorities.

(a) *Board of Adjustment.*

- (1) *Purpose.* In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
- (2) *Creation and Membership.* The Board of Adjustment shall consist of five regular members and two alternate members.
 - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
 - b. The Mayor shall appoint regular members of the Board of Adjustment to terms so that the term of one member expires each year. The Mayor shall appoint alternate members in such a manner that at least a 2½-year gap will exist between term expirations.
 - c. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
 - d. Alternate members are to serve in the absence of members of the Board of Adjustment upon request of the chairman. Alternate members are to attend all meetings of the Board of Adjustment. The chairman shall establish a service rotation system which provides that alternate members serve on the Board approximately the same amount.
 - e. Members of the Board of Adjustment may be removed as established by the City's Administrative and Legislative Codes.
 - f. Vacancy on the Board of Adjustment.
 1. The Mayor, with the advice and consent of the City Council, shall fill any vacancy.
 2. The person appointed shall serve for the unexpired term of the member or alternate member whose seat was vacated.
- (3) *Procedures.*
 - a. Organize and elect a chairperson.
 - b. Adopt rules that comply with all applicable state statutes and City ordinances.
 - c. Meet at the call of the chair and at any other times that the Board of Adjustment determines.
 - d. Have the chairperson, or in the absence of the chairperson, the acting chair, administer oaths and compel the attendance of witnesses.
 - e. Conduct its meetings in compliance with the requirements of state statutes and City ordinances concerning the keeping of minutes, recording of votes, and absences.
 - f. Hear a request for a variance or appeal. Three members constitute a quorum of the Board of Adjustment and a concurring vote is necessary to grant a variance or to overturn a decision on an appeal.
 - g. Make decisions on scheduled agenda items. Decisions of the Board of Adjustment become effective at the meeting in which the decision is made unless a different time is designated in the Board's rules or at the time the decision is made.

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- (4) *Powers and Duties.* The Board of Adjustment shall hear and decide:
- a. Requests for variances from the terms of the land use ordinance as specifically delegated to it by this title or referred to it by the Director.
 - b. Appeals from decisions applying to the land use ordinance, except those appeals specifically delegated in this title to be heard by an alternate appeal authority.
 - c. Other matters as established by the City Council.
- (b) *Administrative Officer.* The Director is designated as an appeal authority for the purpose of reviewing and deciding:
- (1) Requests for minor variances.
 - (2) Other matters as established by the City Council.
- (c) *Hearing Officer.* A Hearing Officer, as appointed by the Mayor, is designated as an appeal authority for the purpose of reviewing and deciding requests for reasonable accommodations.
- (LDC 2008, § 15A-03-04; Ord. No. 16-15, 3-28-2016; Ord. No. 17-10 , exh. A(15A-03-04), 3-9-2017; Ord. No. 17-14 , exh. A(15A-03-04), 6-21-2017)

State law reference(s)—Appeal authority and variances, U.C.A. 1953, § 10-9a-701 et seq.