

Sec. 61.203. - Board of zoning appeals.

(a) *Creation and membership.* There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided by law in such a way that the objectives of this zoning code shall be observed, public safety secured, and substantial justice done. The board shall consist of seven (7) regular members and two (2) alternate members appointed by the mayor with the consent of the council. Of the regular members, one (1) member so appointed shall be a member of the planning commission with appointment coinciding with planning commission term. The appointments of the remaining six (6) of the members shall be for the following period: two (2) members for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years. Following the original appointments, each member shall be appointed to hold office for the full three-year term. The regular members of the board of zoning appeals shall annually elect its own chairman, vice-chairman and secretary. Alternate members shall serve a term of three (3) years and may vote on matters before the board only in the absence of a regular member(s). The compensation of the appointed members of the board of zoning appeals shall be fixed by the council by resolution.

All members of the board of zoning appeals shall be qualified electors of the city and no member shall be an official or employee of the city.

(b) *Meetings.* All meetings of the board of zoning appeals shall be held at the call of the chairperson and at such times as such board may determine. All meetings conducted by the board shall be subject to all applicable open meeting laws and ordinances. The secretary, or his representatives, 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 also keep records of its hearings and other official action. Four (4) members of the board shall constitute a quorum for the conduct of its business; provided, that no action may be taken unless at least four (4) members vote in favor of such action. The board shall have the power to administer oaths and, upon order of the district court, to issue subpoenas, require the attendance of witnesses, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(c) *Decisions by the board of zoning appeals.*

- (1) The board of zoning appeals shall conduct a hearing on an appeal or variance application and shall render a decision on the appeal or application without unreasonable delay. Decisions of the board of zoning appeals shall be final subject to later appeal to the city council.
- (2) Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (3) All of the papers constituting the record upon which the application or the decision appealed from was taken, including, but not limited to, the action of the board of zoning appeals and the findings of fact, shall be retained in the permanent files of the department of safety and inspections
- (4) After reaching a decision in accordance with this section, the board of zoning appeals shall prepare a written report, including, but not limited to, findings of fact and the action of the board, which report will be filed with the department of safety and inspections without undue delay.
- (5) A copy of administrative appeals concerning the river corridor districts shall be submitted to the commissioner of natural resources sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the board's hearing. A copy of all decisions granting administrative appeals shall be forwarded to the commissioner of natural resources within ten (10) days of such action.

(C.F. No. 07-149, § 32, 3-28-07)

