

## **SEC. 31.22 BOARD OF ADJUSTMENT AND APPEALS.**

The City Council shall serve as the Board of Adjustment and Appeals. The Planning Commission shall serve as a recommending body to the Board of Adjustment and Appeals.

(A) *Duties.*

- (1) The Board shall act upon all questions that may arise in the administration of the zoning provisions, including interpretation of the zoning maps.
- (2) The Board shall have the power to grant variances to the zoning provisions.
- (3) The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing the zoning provisions. The appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

(B) *Hearings.* Hearings shall be held by the Planning Commission in accordance with the Board's adopted rules for the transaction of its business. Any party may appear at the hearing in person or by agent or attorney.

(C) *Decision and order.* The Board may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Within a reasonable time period, the Board shall make its order deciding the matter and shall serve a copy of such order stating the reasons for its decision upon the petitioner by mail. The Board's decision shall be final except to the extent the aggrieved party may have a right to appeal questions of law and fact to the Scott County District Court.

(Prior Code, § 2.35)