

- **DIVISION 3. - BOARD OF ADJUSTMENT**^[4]

- **Sec. 50-81. - Board of adjustment; establishment.**

(a)

A zoning board of adjustment is hereby established in the county.

(b)

It is further the intent of this division to create an administrative board that has the authority to hear and decide requests for variances and appeals to decisions of county staff in enforcing and administering this chapter.

(Ord. No. 2007-03, § 9, 7-17-2007)

- **Sec. 50-82. - Members.**

(a)

The board of adjustment shall consist of five residents who shall be appointed by the board of county commissioners. In addition to the five regular members of the board of adjustment, the board of county commissioners shall be authorized to appoint two alternate members. The alternate members may be called upon to sit upon the board of adjustment in the temporary absence or disability of any regular member, or may act when a member is otherwise disqualified in a particular case and during such participation, and shall have all the rights and responsibilities of a regular member. No member or alternate member of the board of adjustment shall be a paid or elected official or employee of the county.

(b)

The membership of the board of adjustment shall, if possible, include an architect, a businessman or businesswoman, an engineer, a general contractor, a subcontractor and a realtor. Vacancies in any one of these professions shall be advertised as such, and only in the absence of a qualified volunteer from such profession shall a vacancy be filled by a nonprofessional.

(c)

After the initial appointments to the board of adjustment for staggered terms, appointment of a member of the board of adjustment shall be made for a term of three years. A member may be reappointed upon approval of the board of county commissioners. The board of county commissioners shall appoint not more than two alternate members, designating them as such. Such alternates may act in the temporary absence or disability of any regular member upon request by the chairman of the board of county commissioners, or the chair or other member of the board of adjustment.

(d)

Members of the board of adjustment shall serve at the pleasure of the board of county commissioners. A member of the board of adjustment shall be removable by a majority vote of the board of county commissioners.

(e)

Appointments to fill vacancies shall be for the unexpired term of the members whose terms become vacant. Such appointments to fill vacancies shall be made by majority vote of the board of county commissioners and shall be made within 30 days after the vacancy occurs, or as soon thereafter as the appointment can be made.

(Ord. No. 2007-03, § 9, 7-17-2007)

- **Sec. 50-83. - Procedures.**

(a)

Rules and regulations. The board of adjustment may establish rules and regulations for its own operation not inconsistent with the provisions of law, or of this chapter.

(b)

Officers. The board of adjustment shall elect from within its membership a chairman who shall be the presiding member, a vice chairman who shall preside in the chairman's absence or disqualification, and any other officers as the board of adjustment deems necessary. Terms of all officers shall be for one year, with eligibility for reelection. The board of county commissioners shall provide clerical support to the keep the minutes of the board of adjustment and maintain its records.

(c)

Meeting and quorum. The board of adjustment shall meet at regular intervals at the call of the chairman, at the written request of three or more regular members, or within a reasonable time after receipt of a matter to be acted upon and preparation of any staff report related to such matter. Three members of the board of adjustment shall constitute a quorum.

(d)

Decisions. The concurring vote of a majority of the members of the board of adjustment in attendance at a meeting at which a quorum is present shall be necessary for the determination of any matter upon which it is required to pass under the terms of this chapter or to effect any variations of this chapter.

(e)

Legal counsel. The county attorney may either be counsel to the board of adjustment, or represent the county by presenting cases before the board of adjustment, but in no case shall the county attorney serve in both capacities.

(Ord. No. 2007-03, § 9, 7-17-2007)

• **Sec. 50-84. - Duties.**

The board of adjustment shall have the following duties and responsibilities:

(1)

To hear and decide appeals from administrative decisions regarding the enforcement, application, or interpretation of this chapter.

(2)

To hear and decide requests for variances from the provisions of article VI and article XIII of this chapter, and from the provisions of any other articles of this chapter which provide that variances from such provisions are to be heard and decided by the board of adjustment, excluding those requests for variances from the provisions of article XIII of this chapter that are to be heard and decided by the board of county commissioners pursuant to other sections of this chapter.

(3)

To act as sign code board of adjustment as provided in article X of this chapter.

(4)

To perform any other duties and responsibilities and exercise any other powers which may be assigned to it by the board of county commissioners.

(Ord. No. 2007-03, § 9, 7-17-2007; Ord. No. 2008-08, § 3, 4-8-2008)