ADDENDUM “F”

APPEAL OF ADMINISTRATIVE DECISION

Please attach the administrative decision (written order, decision, determination, etc.) that you are appealing:

Please state why you believe that there has been an error in this administrative decision.

Please attach any documentation that supports why you believe that there has been an error in this administrative decision.

CITY CODE SECTION 134-6.9.1 AUTHORITY

Except as otherwise expressly stated in this zoning ordinance, the board of adjustment is authorized to hear and decide all appeals where it is alleged there has been an error in any written order, decision or determination made by the community development director or any other administrative official in the administration, interpretation or enforcement of this zoning ordinance.

CITY CODE SECTION 134-6.9.2 RIGHT TO APPEAL

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the zoning enforcement officer or of any other administrative officer in the enforcement of this chapter or of the state zoning laws.

CITY CODE SECTION 134-6.9.3 APPLICATION FILING

Complete applications for appeals of administrative decisions must be filed with the community development director including payment of the application fee as provided in the schedule of fees approved by city council resolution. Appeals of written administrative decisions must be filed within 10 days of the date of the decision.

CITY CODE SECTION 134-6.9.4 EFFECT OF FILING

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed from, unless the community development director certifies to the board of adjustment after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate a stay would in the director's opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the community development director and on due cause shown.

CITY CODE SECTION 134-6.9.5 RECORD ON APPEAL

At or before the board of adjustment's hearing, the community development director or other administrative official whose decision is being appealed must transmit to the board of adjustment all papers constituting the record related to the decision being appealed.
CITY CODE SECTION 134-6.9.6 NOTICE OF HEARING

It is the policy of the city to provide courtesy mailed notice of the date and time of the hearing on appeal to the subject property owner and to all owners of property and recognized neighborhood associations within 250 feet of the subject property.

CITY CODE SECTION 134-6.9.7 HEARING AND FINAL DECISION

A. The board of adjustment shall fix a reasonable time for public hearing on the appeal and shall decide the appeal within a reasonable time.
B. At the hearing, any party may appear in person or by agent or by attorney.
C. In exercising the appeal power, the board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the community development director from whom the appeal is taken. The concurring vote of four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning enforcement officer or of any other administrative officer.
D. The decision of the board of adjustment shall be in writing and filed promptly following the board's action and open to public inspection. The decision shall describe the action taken, the vote of each board member participating, and the reasons for such action. The board of adjustment's decision on an appeal shall be final and effective after the board's written decision is signed and filed with the community development department, which serves as the board of adjustment office.

CITY CODE SECTION 134-6.9.8 APPEALS

Appeals of board of adjustment decisions are taken to district court pursuant to section 134-8.1.2.G of this article.