

12-309 THE BOARD OF ZONING APPEALS

Section 12-309-1 Organization
Section 12-309-2 Powers

12-309-1 ORGANIZATION

The Board of Zoning Appeals, previously created, shall continue in effect with the powers and authority provided in this section.

12-309-1.01 Membership

- a.** The Board shall consist of five members, all of whom shall be residents of the unincorporated areas of Douglas County.
- b.** No more than one member may also be a member of the Planning Commission.
- c.** Members are to be appointed by the Board of County Commissioners and shall serve without compensation.
- d.** Members shall be appointed for terms of three years each.
- e.** Members may serve successive terms.
- f.** A member of the Board of Zoning Appeals, once qualified, can thereafter be removed during their term of office only for cause and after public hearing.
- g.** In the event of the death, resignation, or removal of any member before the expiration of the term, a successor shall be appointed by the Board of County Commissioners for the unexpired term of the member.

12-309-1.02 Officers

The Board of Zoning Appeals shall annually elect one of its members as chairperson and one as vice-chairperson.

12-309-1.03 Rules and Meetings

- a.** The Board of Zoning Appeals shall adopt rules for the conduct of its business and such rules shall be made available to the public.
- b.** The Board shall adopt a schedule of meetings annually which shall be available at the Zoning and Codes Office.
- c.** The chairperson, or in his absence the vice-chairperson, shall preside at all meetings, decide all points of order or procedure, and as necessary, administer oaths and compel the attendance of witnesses.
- d.** The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, the findings of fact made by the Board, the decision of the Board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact.
- e.** The Board shall keep records of its examinations and other official actions, all of which shall

be filed in the Zoning and Codes Office and shall be a public record.

12-309-1.04 Quorum

- a. A quorum of the Board of Zoning Appeals is 3 members of the 5 member Board. A quorum is required to conduct any business by the Board.
- b. If a meeting is called and a quorum is not present at the specified meeting time, the chairperson of the board or his designee shall immediately declare a lack of quorum and schedule a new meeting date and time for continuance of the published meeting and public hearings.

12-309-1.05 Vote

- a. An affirmative vote of a majority of the members of the Board present and voting shall be required to overrule any decision, ruling, or determination of the official charged with enforcement of these Regulations, or to approve any variance.
- b. A tie vote of the Board, or the lack of approval of a motion by a majority of members present and voting shall be considered a denial of the request.

12-309-2 POWERS

12-309-2.01 Appeals

- a. The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Director of Zoning and Codes in the enforcement of the Zoning Regulations.
- b. The Board, in conformity with the provisions of these Regulations, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the office from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

12-309-2.02 Variances

- a. The Board of Zoning Appeals shall have the power to hear and decide variances requested from the specific terms of these Regulations.
- b. The Board, in conformity with the provisions of these Regulations, may grant the variance, wholly or partly, and may attach appropriate conditions; or the Board may deny the variance request.