

## DIVISION 2. - BOARD OF ADJUSTMENT AND APPEALS

### Sec. 14-51. - City council to act.

The city council shall act as the city construction board of adjustment and appeals. Any reference to the board of adjustment and appeals contained in general law or this chapter, including any standard code, or in any other ordinance or code shall be deemed to refer to the city council.

(Ord. No. 18-006, § 3, 8-7-2018)

### Sec. 14-52. - Powers; hearings.

- (a) The construction board of adjustment and appeals shall have all powers conferred upon a construction board of adjustment and appeals by general law or by this chapter, including any standard codes, or in any other ordinance or code of the city.
- (b) Without limiting the foregoing, the construction board of adjustment and appeals, after notice and hearing, shall have the power to hear appeals of decisions and interpretations of the building official.
- (c) The construction board of adjustment and appeals may, in its discretion, refer any matter properly before it, including appeals requests, to a qualified hearing officer or master for hearing and recommended order. In such case, the hearing officer or master shall have the same powers as the construction board of adjustment and appeals to conduct the hearing and to render a recommended order. The building official, through the city manager, and the applicant shall have the right to file exceptions to the recommended order within ten days after rendition of the recommended order. The construction board of adjustment and appeals may adopt the recommended order with or without further hearing, or, after further hearing, may reverse or modify the recommended order. The decision of the council shall constitute the final administrative remedy.
- (d) In all hearings, fundamental due process shall be provided to the parties.

(Ord. No. 18-006, § 3, 8-7-2018)

### Sec. 14-53. - Appeals.

- (a) *Appeals of building official decisions.* The owner of a building, structure, or service system, or a duly authorized agent, may appeal a decision of the building official when any of the following conditions are claimed to exist:
  - (1)

The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system;

- (2) The provisions of this chapter do not apply to the specific case;
- (3) An equally good or more desirable form of installation can be employed in the specific case;  
or
- (4) The intent and meaning of this chapter or any of the regulations of this chapter have been misconstrued or incorrectly interpreted.

The owner or authorized agent shall pay the filing fee established in this chapter and file a written notice of appeal with the city manager within 30 days after the building official rendered the decision. Payment of the filing fee is a prerequisite to filing.

(Ord. No. 18-006, § 3, 8-7-2018)

Secs. 14-54—14-70. - Reserved.