

DIVISION 14. - BOARD OF ADJUSTMENT AND APPEALS

Sec. 2-401. - Established; purpose.

The board of adjustments and appeals is hereby established for the purpose of hearing appeals concerning decisions and rulings by the chief building official of the city concerning building, electric, gas, mechanical and plumbing codes; suspending or revoking electrical licenses for the reasons and according to the procedures set forth in section 14-74; hearing appeals concerning decisions and rulings by the chief fire official of the city concerning the fire code; and variance requests to said codes. The board of adjustments and appeals shall serve as the board of appeals as authorized in the International Building Code. Any conflicts that may arise between the above referenced standard codes and the city Code shall be resolved in favor of the language contained in the city Code.

(Code 1988, § 2-231; Ord. No. 677, § 1, 12-16-1987; Ord. No. 994, § 1, 4-9-1996; Ord. No. 1099, § 1, 12-16-1997)

Sec. 2-402. - Membership.

(a) The board of adjustments and appeals shall be composed of seven members to be appointed by the city council as follows:

- (1) An architect;
- (2) An engineer;
- (3) A member of the building construction trade;
- (4) A member of the plumbing trade;
- (5) A member of the mechanical trade;
- (6) A master electrician;
- (7) A journeyman electrician.

(b) The chief building official for the city shall be an ex officio member. The fire official for the city shall be an ex officio member.

(Code 1988, § 2-232; Ord. No. 677, § 1, 12-16-1987; Ord. No. 1099, § 2, 12-16-1997)

Sec. 2-403. - Terms of office.

The members of the board shall be appointed for staggered terms of three years provided however that the journeyman electrician member shall be appointed for a two-year term.

(Code 1988, § 2-233; Ord. No. 677, § 1, 12-16-1987; Ord. No. 1099, § 3, 12-16-1997)

Sec. 2-404. - Quorum.

Four of the members of the board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the official, affirmative votes of the majority present shall be required. A board member shall not act in a case in which he or she has a personal interest.

(Code 1988, § 2-234; Ord. No. 677, § 1, 12-16-1987; Ord. No. 1099, § 4, 12-16-1997)

State Law reference— Board of adjustment, quorum, V.T.C.A., Local Government Code § 211.008(d).

Sec. 2-405. - Secretary of board.

The chief building official or his or her designee shall act as secretary of the board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

(Code 1988, § 2-235; Ord. No. 677, § 1, 12-16-1987)

Sec. 2-406. - Procedures.

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. The board shall meet at the call of the chair or within 15 calendar days after the notice of appeal has been received. Appeals shall be presented in a form acceptable to the chief building official. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision shall also include the reasons for the decision. If a decision reverses or modifies a refusal, order or disallowance of the chief building official or varies the application of any provision of the Code, the chief building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the chief building official, and shall be open to public inspection. A copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the chief building official for two weeks after filing. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Code 1988, § 2-236; Ord. No. 677, § 1, 12-16-1987; Ord. No. 1099, § 5, 12-16-1997)