TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER 1

BOARD OF ZONING APPEALS

SECTION

2-101. Established. The board of zoning appeals, also referred to herein as the "board," established heretofore in accordance with Tennessee Code Annotated, § 13-7-205, by ordinance no. 61-4 dated May 10, 1961, is hereby reestablished and confirmed as the board of zoning appeals and shall be referred to as the board of zoning appeals. (as added by Ord. #2012-197, March 2012)

2-102. Membership. The board shall consist of three (3) members. Board members shall be appointed by the mayor and confirmed by a majority vote of the entire membership of the board of commissioners. Board members shall serve without compensation. Members of the board serving on the effective date of the ordinance codified in this chapter shall serve the remainder of their appointed terms and may be considered for reappointment if eligible. (as added by Ord. #2012-197, March 2012)

2-103. Terms of office. Board members shall each serve for a three (3) year term, or until their successors are appointed. Board members may be removed from office by the mayor for continued absence or other just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the board of commissioners. Vacancies shall be filled for unexpired terms in the manner herein provided for initial appointments. Board members shall annually elect a chair and vice-chair from among their membership. (as added by Ord. #2012-197, March 2012)
2-104. **Conflict of interest.** A board member with either a direct or indirect interest in property affected by the consideration of the board shall be disqualified from any deliberating and voting in the proceedings on that matter. (as added by Ord. #2012-197, March 2012)

2-105. **Powers.** (1) Generally. The board of zoning appeals shall be vested with all of the powers granted to a board of appeals pursuant to Tennessee Code Annotated, § 13-7-207.

(2) **Right of entry.** With just cause, the board, or the city manager or his designee, acting for and on behalf of the board, may enter upon any land within its jurisdiction to make examinations and surveys and place or remove public notices as required. (as added by Ord. #2012-197, March 2012)

2-106. **Notice.** No action shall be taken by the board on any matter until after notice and hearing. Proper notice of a hearing of the board of zoning appeals shall be in writing by the city manager mailed by United States mail to the appellant at the address given on the appeal. In addition, notice shall be mailed directly to all property owners whose property adjoins the subject property and to all lot owners within three hundred feet (300') of the nearest lot line of the subject property and any other property owners who might be deemed directly affected by the application. All such written notices shall be mailed at least thirty (30) days prior to the date set for the hearing, provided however, a claim that notice was not received will not nullify any action of the board of zoning appeals. The applicant shall also post a sign on the subject property providing notice of the time, place and subject of the appeal in a location easily visible from the road at least fifteen (15) days prior to the public hearing. Whenever practical, signs shall be located within ten feet (10') of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard. (as added by Ord. #2012-197, March 2012)

2-107. **Action by the board.** Two (2) board members shall constitute a quorum and concurrence of at least two (2) members shall be necessary to deny or grant any application. In the event there are only two (2) members present and there are not two (2) affirmative votes, then the application shall be readvertised for the next regular meeting. (as added by Ord. #2012-197, March 2012)

2-108. **Conditions.** In granting a variance, special exception permit, or change to a nonconforming use or structure, the board may impose conditions, restrictions or time limits considered necessary to protect surrounding properties and better carry out the general intent of this chapter. (as added by Ord. #2012-197, March 2012)
2-109. Rules. The board may adopt such rules, regulations and procedures as it may deem necessary to carry into effect the provisions of this chapter. (as added by Ord. #2012-197, March 2012)