

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

Board of Zoning Adjustments

§ 156.080 BOARD OF ZONING ADJUSTMENTS.

(A) The Board of Zoning Adjustments as constituted at the time of the adoption of this zoning code shall continue in power. Future appointments shall be made as required by KRS 100.217 and this chapter.

(B) Proceedings. The Board of Zoning Adjustments shall conduct meetings at the call of the Chairman or Zoning Official who shall give written or oral notice to all members of the Board at least seven days prior to the meeting, and the subject or subjects which will be discussed. The Board may at their choosing, meet monthly or more often as desired. A simple majority of the total membership of the Board shall constitute a quorum. The Board of Zoning Adjustments may adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall, immediately after adoption, be filed in the city planning office. A transcript of the minutes of a Board of Zoning Adjustments meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(C) Powers. The Board of Zoning Adjustments shall have the following powers. The Board may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this zoning code. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give the evidence bearing upon the questions before it. The Chairman of the Board of Zoning Adjustments shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue.

(D) Administrative review. The Board of Zoning Adjustments shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the Zoning Official in the enforcement of this zoning code. Appeals under this section must be taken within 60 days of the date of official action by the Zoning Official.

(E) Administrative procedure.

(1) The Board of Zoning Adjustments will meet at the call of the Zoning Official, Chairman, or on a regular basis, whichever is convenient, and in the wishes of the majority of the Board.

(2) Application must be filed by the Zoning Official in order for the Board to hear any questions involving the literal interpretation of this chapter, the exact location of zoning district

boundaries, or any other interpretations and decisions specifically delegated to it by the provisions of this chapter.

(3) The Zoning Official has initial authority for literal enforcement and interpretation of the zoning code. He has no discretionary authority to allow any departure from the literal conformance with this code.

(4) Any appeals from decisions made by the Zoning Official shall be appealed only according to § [156.083](#). This administrative power is intended to correct any possible misinterpretation by the Zoning Official.

(5) The circuit court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Zoning Adjustments.

(6) An application process is required prior to the Board of Zoning Adjustments hearing any conditional use or dimensional variance requests. Applications shall be obtained from the Zoning Official and properly filled out according to their instructions and returned prior to their consideration. The Zoning Official shall review all applications for their completeness. All applications for a conditional use permit or dimensional variance will require written notice of the date and time of the public hearing, as well as a copy of the application, be given by first class mail to the applicant and all adjoining property owners at least 14 days in advance of the meeting. Adjoining property owners include those across a public right-of-way. Notice of the public hearing shall be published at least seven days and not more than 21 days in advance in the *Murray Ledger and Times*. It shall be the duty of the applicant to furnish the names and addresses of the owners of all adjoining properties. A fee as established by the City Council will be charged to all applicants.

(Ord. 794, passed 12-22-83; Am. Ord. 90- 925, passed 7-26-90; Am. Ord. 2008-1457, passed 2-28-08)