

Town of Magnolia Springs

Ordinance 2007-10 Establishing a Board of Adjustment

WHEREAS, the Town of Magnolia Springs, Alabama finds that it is in the Town's best interest to create a Board of Adjustment, and

WHEREAS, the authority and duties of a Board of Adjustment are set forth in Section 11-52-80, Code of Alabama, 1975,

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Magnolia Springs, Alabama, that a Board of Adjustment is hereby created with the following powers:

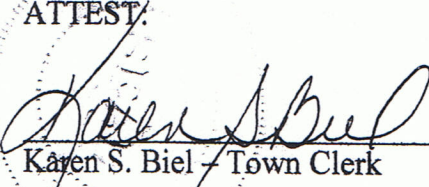
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of a zoning ordinance;
2. To hear and decide special exceptions to the terms of the zoning ordinance upon which such board is required to pass under such ordinance; and
3. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

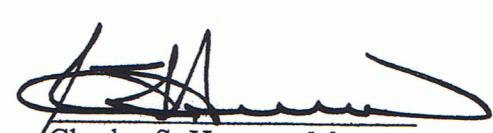
In exercising the powers listed above, such board may, in conformity with the provisions of this Ordinance and Ordinance 2007-02, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to the end shall have all the power of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

The Board of Adjustment shall consist of five(5) members plus two (2) supernumerary members, who serve on call of the chairman in the absence of regular members. The five (5) members terms shall be staggered three-year terms except that in the first instance, one member shall be appointed for a term of (3) years, two (2) members for a term of two (2) years and two (2) members for a term of one year. Supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Adopted this the 17th day of April, 2007

ATTEST:


Karen S. Biel - Town Clerk


Charles S. Houser - Mayor