

### **1-12-3: PROTECTION OF MAPPED STREETS:**

From and after the time when an official map has been recorded in the office of the county recorder, no permit shall be issued by the building inspector for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such permit may appeal to the board of adjustment. The board of adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within any mapped street location in any case in which the board of adjustment, upon the evidence, finds that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or that, balancing the interest of the city in preserving the integrity of the official map and interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment shall hold a public hearing thereon. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character and also the duration of the building, structure or part thereof permitted. (1995 Code § 65-3-3; amd. 2003 Code)