

10-3-7: PROCEDURE:

- A. Upon receipt of the application, the planning and zoning administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the notice appealed from was taken. The board of adjustment shall review the application and shall return the same to the planning and zoning administrator with its decision pertaining thereto within thirty (30) days. Failure to return said application within thirty (30) days shall constitute approval. An appeal stays all proceedings in furtherance of the action appealed from, unless the planning and zoning administrator certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by the district court on application and notice to the planning and zoning administrator and on due cause shown.
- B. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of notice at least five (5) days prior to the date of the hearing, as well as notice by mail to adjacent property owners within three hundred feet (300'), and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent or by attorney. (Ord. 6-18-81A, 6-18-1981; amd. 2003 Code)