

## Article 13-3

### BOARD OF ADJUSTMENT

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**13-301**        **Establishing Board of Adjustment.**

There is hereby established a Board of Adjustment, consisting of seven (7) members to be appointed by the Mayor by and with the consent of the City Council. (Rev. Ord. 1982; Ord. No. 87-8, 5-5-87; Ord. No. 87-28, 12-1-87).

**13-302**        **Membership.**

Each member of said Board of Adjustment shall be appointed for a term of three years, provided that the appointments first made under this Ordinance shall be one for one year, two for two years, and two for three years with the effective date of appointment being 1-1-82, and thereafter, each appointment shall be made for the full term of three years; vacancies shall be filled by appointment for the unexpired term of any member whose term becomes vacant. Members shall not serve more than two consecutive three-year terms. Before entering upon the duties of his appointed position, each member shall take and subscribe an oath to support the Constitution and laws of the United States and the State of Wyoming, and the ordinances of the City of Rock Springs. One member of the Planning and Zoning Commission shall be appointed as a member of the Board of Adjustment.

**13-303**        **Adoption of Rules.**

The Board of Adjustment shall adopt

rules governing its meetings, and said rules shall be subject to the approval of the governing body of the City of Rock Springs and shall not be inconsistent with the ordinances of the City of Rock Springs and the laws of the State of Wyoming. It shall be the duty of the chairman to call a meeting of the Board to pass upon and determine all appeals and all matters upon which it is the duty of the Board to act, said Board shall meet at any other time as it may prescribe in its rules. The chairman of the Board, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of all its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examination of other official actions, all of which shall be immediately filed in the offices of the Board and shall be of public record.

**13-304**        **Appeals to the Board of Adjustment.**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of said City affected by the decision of any administrative officer. Such appeal shall be taken within the time prescribed by the rules adopted by said Board, which time must be reasonable by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transfer to the Board all of the papers constituting the record upon which the action appealed from is taken.

**13-305**        **Duties of the Board of Adjustment.**

The Board of Adjustment shall be, and it is hereby, endowed with the following enumerated duties:

- (i) 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 this act or of any ordinance adopted pursuant thereto.

(ii) To vary or adjust the strict application of the requirements of this Ordinance in the case of an irregular, narrow, shallow, or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Any such variance granted shall be granted according to the requirements and procedures established by the Ordinance. Variances may be granted only for hardships related to the physical characteristics of land. Variances to this Ordinance related to permitted, accessory and/or conditional uses in any use district shall not be allowed. No variance or adjustment in the strict application of any provision of an ordinance may be granted unless:

a. There are special circumstances or conditions, fully described in the Board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of the ordinance.

b. For reasons fully set forth in the Board's findings, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and

c. The granting of the adjustment is in harmony with the general purposes and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(iii) To grant exceptions and variances upon request where, after a showing that an illegal construction or a non-conforming building or use existed for a period of at

least five (5) years in violation of zoning ordinances and the City, with knowledge of the existence of the condition, has not taken any steps toward elimination of such violations.