

72-10-410 Board of adjustment -- Powers -- Appointment and membership of board -- Hearings and decisions by board -- Meetings -- Adoption of rules.

- (1) All airport zoning regulations adopted under this part shall provide for a board of adjustment to have and exercise the following powers:
 - (a) to hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in Section 72-10-408;
 - (b) to hear and decide any special exceptions to the terms of the airport zoning regulations upon which the board may be required to pass under the regulations;
 - (c) to hear and decide specific variances under Subsection 72-10-407(2).
- (2)
 - (a) If a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment.
 - (b) Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of three years, by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing.
- (3) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in the regulations.
- (4)
 - (a) The board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created.
 - (b) Meetings of the board shall be held at the call of the chair and at other times as the board may determine.
 - (c) The chair, or in the chair's absence, the acting chair, may administer oaths and compel the attendance of witnesses.
 - (d) All hearings of the board shall be public.
 - (e) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

Renumbered and Amended by Chapter 270, 1998 General Session