

CITY OF RALSTON BOARD OF ADJUSTMENT

POWERS AND DUTIES

The Board of Adjustment shall have only the following powers and duties:

- a. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination make by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.
 - b. **Interpretation of Zoning Map.** To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
 - c. **Variances to Relieve Hardships Relating to Property.** To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
1. **Requirements for Granting of a Variance.** The Board shall authorize no such variance unless it finds that:
 - a. The strict application of the zoning regulation produces undue hardship;
 - b. Such hardship is not shared generally by other properties within the same zoning;
 - c. Authorization of the variance is not of substantial detriment to adjacent property and the character of the district is not changed by the variance;
 - d. Granting of the variance is based on demonstrable and exceptional hardship as distinguished from purposes of convenience, profit or caprice.
 - e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

- f. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.
2. **Findings by Board.** The Board of Adjustment shall make findings that the applicant for a variance has met the requirements of Article 12-9.
 3. **Conditions for Granting of Variance.**
 - a. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when make a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 12 of this Ordinance.
 - b. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by Implication prohibited by the terms of this Ordinance in said district.
 - c. No non-conforming use of neighboring lands, structures or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - d. Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official.

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.