

**AN ORDINANCE ESTABLISHING THE BOARD OF ADJUSTMENT,
THE NUMBER, QUALIFICATIONS AND APPOINTMENT OF ITS
MEMBERS, AND ITS POWERS AND DUTIES**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
INNSBROOK, AS FOLLOWS:**

Section One.

A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five members who shall be residents of the Village. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years and one for five years. Thereafter, members shall be appointed for terms of five years. Three alternate members may be appointed to serve in the absence or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The Board shall elect its own chairman who shall serve for one year. The Board shall adopt rules in accordance with provisions of any Ordinance adopted pursuant to Section 89.010 to 89.140 Revised Statutes of Missouri 1994, as amended.

Section Two.

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, 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 its proceedings showing the vote of each member upon question, or if absent or failing to vote indicate such fact, and shall keep records of its examinations and other official actions. All of the above records shall be immediately filed in the Office of the Board and shall be on public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose.

Section Three.

The Board of Adjustment shall have the following powers:

- (1) 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 these sections or of any Ordinance adopted pursuant thereto;
- (2) To hear and decide all matters referred to it or upon which it is required to pass under such Ordinance;

- (3) In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, to vary or modify the application of any of the regulations or provisions of such Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the Ordinance shall be observed, public safety and welfare, secured and substantial justice done; provided, however, the Board shall not have the power to alter zoning requirements or otherwise perform any legislative function.

In exercising the above mentioned powers, such board may, in conformity with the provisions of Sections 89.010 to 89.140 Revised Statutes of Missouri reverse or affirm wholly or partly or may modify the Order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance or to effect any variation in such Ordinance.

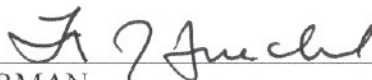
Section Four.

Members of the Board of Adjustment shall be appointed by the Chairman with the approval of the Board of Trustees.

Section Five.


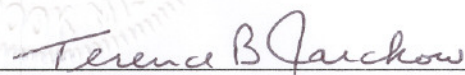
This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this 23 day of July, 1998, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.



CHAIRMAN

ATTEST:

Village Clerk