

Sec. 44-305. Appeal of administrative decisions.

- (a) The board of adjustment shall hear and decide all appeals from and review any zoning order, requirement, decision, or determination made by the planning director. The aggrieved applicant must submit an appeal, in writing, to the board of adjustment within 30 days following the date of the decision. The written appeal must be filed with the recording secretary of the board of adjustment. If a written appeal is not made within the 30-day period, the matter shall be deemed to be closed, and the decision of the planning director shall be final. See Sec. 44-318(d) for administrative decisions.
- (b) *Initiation.*
 - (1) The appeal to the board of adjustment must be filed with the planning director at least 45-days before the scheduled board of adjustment meeting. When an appeal is filed, the date and time of filing shall be written on the face of the application.
 - (2) An appeal to the board of adjustment from a decision or determination by the planning director stays all enforcement proceedings in furtherance of the decision or determination appealed from, except as provided in Subsection (3), below.
 - (3) An appeal to the board of adjustment of a determination or decision of the planning director shall not stay enforcement proceedings in furtherance of the decision or determination appealed from, if the planning director certifies either that:
 - a. A stay would cause imminent peril to life or property; or
 - b. The situation appealed from is transitory in nature, and, therefore, an appeal would seriously interfere with enforcement of this chapter.

In each instance, the planning director shall place in writing the facts to support the conclusion.
- (c) In considering appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of this Chapter and those based upon alleged hardship resulting from strict enforcement of this Chapter.