

#### 8.08.010 Board of Adjustment. A.

The Borough Assembly is the Board of Adjustment and meets at the call of the Mayor. The Board of Adjustment shall hear and decide:

1. Appeals from the decisions of the Planning Commission on requests for zoning compliance permits, enforcement orders and other alleged errors in the enforcement of the zoning ordinances and building codes;
2. Appeals from the decisions of the Planning Commission on requests for conditional use permits;
3. Appeals from the decisions of the Planning Commission on requests for variances from the terms of the zoning ordinance, provided: a. The Board of Adjustment shall not grant a variance which is contrary to the public interest; b. The Board of Adjustment shall not grant a variance because of special conditions caused by actions of persons seeking relief or for reasons of pecuniary hardship or convenience; c. The Board of Adjustment shall not grant a variance which will permit a land use in a district in which that use is prohibited;
4. Appeals from the decisions of the Planning Commission, acting as the platting authority, regarding approval or disapproval of a subdivision plat, as provided in Section 8.08.030. B. The notice of appeal shall be filed with the Borough Clerk on a form prescribed by the Borough, and must contain detailed and specific allegations of error. Yakutat Borough Code December 2019 C. The meetings at which the Board of Adjustment deliberates and decides appeals shall be open to the public and minutes shall be kept of its proceedings as a public record. The board of adjustment shall not hear argument or take additional testimony or other evidence. D. All votes of the Board of Adjustment shall be roll call votes and shall be recorded. E. All appeals submitted to the Board of Adjustment shall be accompanied by a filing fee, in the amount set forth in section 8.44.040. F. Appeals alleging new evidence or changed circumstances shall not be heard by the board of adjustment but shall be remanded to the Planning Commission, which shall determine whether to rehear the matter.

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