

# ZBA Ordinance – Lined Out Changes and Additions

## Chapter 2.16 ZONING BOARD OF ADJUSTMENT

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#### **2.16.010 Appointment and terms.**

A. Appointment and Terms. There shall be a zoning board of adjustment consisting of nine members and nine alternates. The nine members will be appointed by the mayor and city council; the nine alternates will be appointed by the mayor and the city council. The alternate members shall sit in the absence of regular members when requested to do so by the chair~~man~~ of the board. The first alternate selected to replace an absent regular member shall be the alternate nominated by the same city council representative, or the mayor, ~~that who~~ nominated the absent regular member. If both the member and alternate nominated by that city council representative or the mayor are absent, any other alternate may be selected. All cases before the board shall be heard by at least seven members.

B. Term of Office. The term of office for members and alternates shall be staggered. Terms of office shall be two years. (Ord. 12750 § 1, 1996; Ord. 12550 § 1, 1995; prior code § 25-70(1))

#### **2.16.020 Powers.**

A. The board shall have the powers granted by, and be controlled by, ~~Article 1011g~~[Texas Local Government Code, Chapter 211](#), Revised Civil Statutes of Texas, as amended.

~~B. In exercising these powers the board may, in conformity with the state act and this chapter, 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.~~[\(Moved to Appeals Section.\)](#)

~~CB.~~ The concurring vote of seven 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 [Title 2 or](#) Title 20 of this code, or to effect any variation in requirements of Title 20.

~~DC.~~ Where, as part of its power to issue permits, the board ~~enforces-sets~~ conditions, the permits are valid only when all conditions are met.

[D. The board is empowered and encouraged to recommend to the city council any changes to the special exceptions which it believes are necessary or useful to the welfare of the community.](#)

(Ord. 12550 § 2, 1995; prior code § 25-70(2--5))

#### **2.16.030 Variances.**

The board of adjustment may authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. (Ord. 13616 § 1, 1998: Ord. 10724 § 1, 1991: prior code § 25-71)

### **2.16.040 Appeals.**

The board is empowered 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 Title 20. In exercising these powers the board may, in conformity with the state act and this chapter, 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. (Prior code § 25-72)

### **2.16.050 Special exceptions.**

The zoning board of adjustment, in specific cases, may, after notice and a public hearing, make special exceptions to the zoning code only as provided in Titles 2 and 20 of this code. More than one special exception may be made for a lot so long as the total of the exceptions granted does not exceed the maximum exception which could have been obtained if all the requests for exceptions were combined into one request. The board shall not grant a special exception unless it makes, and records in its minutes, specific findings that:

1. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought; and
2. The public convenience and welfare will be substantially served; and
3. The use of neighboring property will not be substantially injured; and
4. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation.

The board may authorize the following special exceptions:

**A.** ~~These~~ The special exceptions identified in this chapter and in the district regulations established in Title 20 of the city code;

~~**B.** Grant special exceptions to Chapter 20.66 (Signs) as follows; provided, however, that any additional sign allowed shall comply with all other requirements of the applicable district; that a special exception shall not be granted solely to legalize an existing illegal or nonconforming sign; nor shall a special exception be authorized in order to grant preferential or competitive sign location:~~

- ~~1. An increase in height for freestanding or monument signs may be authorized under the following circumstances:
  - ~~a. Unusual topography or conditions beyond the applicant's control prevent reasonable visibility when the sign regulations are applied, and~~
  - ~~b. The increase allowed is no more than an additional fifteen feet.~~~~
- ~~2. An increase in height for auxiliary signs may be authorized under the following circumstances:
  - ~~a. Topography or landscaping prevent visibility of the sign in a manner that impairs the safe and efficient movement of pedestrians and vehicular traffic into and out of a building, passing area or premises, and~~
  - ~~b. The increase allows a sign of no more than five feet in overall height.~~~~
- ~~3. An increase in sign area for freestanding or monument signs may be authorized under the following circumstances:
  - ~~a. Unusual topography or conditions beyond the applicant's control prevent reasonable visibility when the sign regulations are applied, and~~
  - ~~b. The increase allowed is no more than an additional thirty percent of the authorized sign area.~~~~

4. An increase in sign area for freestanding or monument signs may be authorized under the following circumstances:
  - a. The allowable freestanding or monument signs are reduced in number, and
  - b. The increase in authorized sign area is no greater than the sign area that was authorized for the eliminated freestanding or monument sign.
5. An increase in sign area for wall signs, except those permitted in Section 20.66.300, may be authorized under the following circumstances:
  - a. The size of the single-story building for which the sign is proposed is in excess of ten thousand square feet of floor space, or the height of the building for which the sign is proposed is in excess of thirty-five feet, and
  - b. The increase allowed is no more than thirty percent of the overall sign area already authorized.
6. A decrease in the distance required for location or spacing of signs may be authorized under the following circumstances:
  - a. Externally imposed setbacks, or reductions of yards due to roadway widening, required setbacks of more than fifty feet for off-premises or twenty-five feet for on-premises signs from the roadway of primary visibility, and
  - b. The decrease allowed is no more than twenty-five percent of the required spacing, or five feet, whichever is less.
7. Additional office directory signs per wing or portion of a single building that is designed to function as more than one building where there are more than two wings or portions and where reasonably necessary for identification or visibility.
8. The number of allowable wall signs, except those permitted in Section 20.66.300, may be increased when the allowable freestanding or monument signs are reduced in equal numbers.
9. The number of freestanding or monument signs, except those permitted in Section 20.66.300, may be increased where the allowable wall signs are reduced in a ratio of two wall signs eliminated for every freestanding or monument sign allowed.
10. One freestanding sign may be authorized where the only access to the property is by means of an easement or private driveway.
11. A wall, canopy or awning may be allowed to obscure fenestration or alter architectural integrity where no other alternative for reasonable signage exists.
12. An increase of two entryway identification signs per entryway in an apartment complex, where the allowable monument signs are reduced to no more than one per apartment complex, may be authorized under the following circumstances:
  - a. The total area of the apartment complex is at least twenty acres in size,
  - b. The apartment complex has frontage on two or more arterials as identified in the El Paso major thoroughfare plan,
  - c. Frontage on at least one arterial which exceeds one thousand five hundred linear feet,
  - d. Such entryway identification sign(s) are allowed on no more than two driveway entryways per street frontage,
  - e. Each entryway identification sign shall have no more than twenty square feet of sign area, except that a greater sign area may be permitted; provided, that the combined total sign area of the entryway identification sign(s) per street frontage does not exceed eighty square feet, and
  - f. Where the property on which the apartment complex is situated has multiple zoning classifications, no signage shall be allowed pursuant to Section 20.66.300 (commercial, manufacturing and industrial uses—C-1, C-2, C-3, C-4, P-C, M-1, M-2, M-3 and Q districts) of the El Paso City Code.For purposes of this section, an entryway identification sign may be a wall or monument sign.
13. The board may permit a roof sign that extends above the roof line or a wall sign that extends above the wall line provided the sign complies with all of the following:
  - a. The design and construction of the sign is structurally sound, connected to and in harmony with the building, and shall be constructed in accordance with drawings and specifications bearing a seal of a registered professional engineer or architect, and
  - b. The sign does not hide or cover any significant detailing or architectural features of the building nor cover windows, and
  - c. The sign shall not be flashing, twirling, rotating, revolving, intermittent or moving lights, and
  - d. Sign colors complement the building and are in harmony with the surrounding area, and
  - e. No portion of the wall sign extends more than seven feet beyond the wall line and no portion of

~~the roof sign extends more than seven feet above the roof plane, and  
f. No more than fifty percent of the face area of the wall sign extends beyond the wall line and no more than fifty percent of the roof sign extends above the roof plane;~~

**CB. Two or more nonconforming lots.** Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. There are two or more lots that do not conform to these regulations located within the same block on the same side of the street or within the block directly across and abutting the street; and,
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots; and,
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.

~~Modify the requirements as to setbacks as the board deems necessary to secure an appropriate development of a lot where within the block on the same side of the street or within the block directly across and abutting the street are two or more lots that do not conform to these regulations, provided that such modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots; and, further, that if the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception;~~

~~D. Reapportion or rearrange a nonconforming use within a building occupied by the same use at the time when any zoning restrictions first became effective as to such building;~~

~~E. Permit the addition of a bathroom, kitchen or other essential facilities to existing nonconforming dwelling structures upon the finding by the deputy director for building services that such additions will bring the dwelling unit into substantial compliance with the building code. The zoning board of adjustment must determine that the addition proposed is in keeping with the redevelopment objectives for the area;~~

~~F. Reserved;~~

**G.C. Rear yard setback, single-family residence.** Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum ten foot rear yard setback shall be required; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred ~~twenty~~eighty square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit. ~~or an over-intensive use or coverage of the site;~~

**H-D. Rear yard setback, duplex.** Permit an extension of a duplex residential ~~building or~~ structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The duplex has been in existence and owner occupied for one continuous year and has a valid certificate of occupancy; and,
2. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum ten foot rear yard setback shall be required; and,
3. The total of all extensions granted shall not exceed one-third of the average width of the site, and the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred ~~twenty~~ square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit. ~~or an over-intensive use or coverage of the site;~~

~~I. Modify the requirements as to height and location of satellite receiving dishes and other satellite receiving antennas of Section 20.08.230(J), and of solar energy conversion systems of Section 20.08.120;~~

~~J. Modify the yard requirement for public schools where the following conditions are met:~~

- ~~1. The applicant is a governmental body to whom the Legislature has delegated the Constitutional duty to "establish ... an efficient system of public free schools" and has conferred upon its trustees "exclusive power to manage and govern the public free schools of the district," and~~
- ~~2. The proposed modification is for one or more of the following purposes:~~
  - ~~a. To construct, remodel, revitalize, upgrade or add to existing school facilities in order to preserve a school campus in an existing neighborhood;~~
  - ~~b. To make the best utilization of available school campus land for the academic and physical educational needs of students;~~
  - ~~c. To conform with existing structures on the school campus;~~
  - ~~d. To prevent or reduce the need for portable buildings on the school campus;~~
  - ~~e. To prevent or reduce the need to transport students out of their neighborhood school due to the lack of sufficient facilities;~~
  - ~~f. To avoid or reduce the need for the school district to condemn adjacent properties;~~
  - ~~g. In all of the above cases, before granting a special exception, the board shall:~~
    - ~~i. Obtain written verification from authorized representatives of the school district that the above required condition or conditions are met and that the granting of the special exception will not be detrimental to the health, safety or welfare of the students and personnel of the school. This verification is presumed to be valid as to the students and personnel, and~~
    - ~~ii. Find that the granting of the special exception is not detrimental to the public health, safety or welfare of the general public, particularly the neighborhood in the vicinity of the school;~~

**K-E. Side street yard setback.** Modify district side street yard requirements where the following conditions are met:

1. The proposed modification does not exceed fifty percent of the required side street yard requirement; and,
2. The minimum front and rear setbacks shall not be reduced; and,
3. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer; and,
4. The proposed modification does not permit the creation of an additional dwelling unit.

**L-F. Builder error.** Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater; and,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater; and,
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater; and,
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and,
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed three in any twelve-month period.

~~**M.** Permit the encroachment into the required front yard setback beyond other allowed modifications, caused by an error in construction, provided, however, that:~~

- ~~1. The building or structure is located in a residential (R) district, and~~
- ~~2. The building or structure is currently under construction, has all required permits and has progressed at least to the structural inspection stage, or the building or structure is more than twenty years old and its current owner was not involved in the construction of the encroaching building or portion thereof, and~~
- ~~3. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional, or that the owner was not directly involved in the construction of the encroaching building or portion thereof or otherwise responsible for the encroachment, and~~
- ~~4. The total encroachment into the front yard setback shall not exceed one-third of the required setback;~~

**N-G. Lot size.** Permit the construction of a single-family residence in a residential (R) district on a lot that does not meet the required minimum lot width, minimum lot depth, or minimum lot area; provided, however, that:

- ~~1. The lot is in a legally recorded and developed subdivision of at least thirtyten years; and,~~
- ~~2. A minimum of one of the required amounts, lot width, lot depth or lot area, meets the required minimum amount; and,~~
- ~~3. The lot width, lot depth or lot area amounts which do not meet the required minimum amounts are not less than ninety percent of the respective required minimum amount; and,~~
- ~~4. The residential structure conforms to the yard setbacks of the zone in which it is located; and,~~
- ~~5. The maximum number of lots for which this exception may be granted in any subdivision shall be five percent of the total number of lots in the subdivision or one lot, whichever is greater.~~

**OH.** Authorize the reduction of the off-street parking requirements; provided, however, that:

1. The owner shall demonstrate through testimony or documentation that the required number of off-street parking spaces cannot be reasonably accommodated on the property involved; and,
2. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer; and,
3. The reduction authorized shall not modify the number of required off-street parking spaces by more than fifteen percent.

~~**P.** Authorize the reduction of zoning restrictions as to lot area, yards or setbacks as applied to a structure that is to be relocated on any lot, a portion of which was acquired under the threat of condemnation or in an eminent domain action; provided, that the following conditions are met:~~

- ~~1. The proposed configuration of the lot, including setbacks, yards, location of structures, landscaping and other proposed buffers prevents adverse impact on adjacent property, and~~
- ~~2. The board receives a recommendation from the department of building services, the zoning~~

administrator or any department required to provide relevant input, and

~~3. The use of the structure or structures does not extend into an area which was previously used to accommodate off-street parking, unless the applicant demonstrates that the parking provided adequately serves the need generated by the use, and~~

~~4. The board imposes those conditions reasonably necessary to protect the health, safety and welfare of the surrounding property owners and the general public;~~

**Q. I. Canopy over a driveway.** Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a canopy covering a driveway (as that term is defined in Section Title 19-04.040(C) of this code) ~~on the lot~~; provided, however, that:

- ~~1. The canopy is located in a residential (R) district or at a single-family residence, and The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,~~
- ~~2. The zoning board of adjustment has received the written approval of the structural design from the building permits and inspection division of the development services department; and,~~
- ~~3. The canopy shall be constructed of the same material as the residential structure, open on three sides, and attached to the main structure; and, connected to and in harmony with the dwelling, and shall be constructed in accordance with drawings and specifications bearing the seal of a~~
- ~~4. The area of the canopy shall not exceed one-fifth of the first-floor area of the dwelling, nor shall the canopy rise above the highest point of the roof of the dwelling; and,~~
- ~~5. Elevation drawings of the proposed structure shall be submitted; and, The design and location of the canopy has received the written approval, based upon traffic safety and structural design considerations, of the city's deputy director for engineering and the deputy director for building services,~~
- ~~6. For a duplex, the total of all extensions granted shall not exceed one-third the average width of the site, and the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit; and,~~
- ~~7. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space; and,~~
- ~~8. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this code; and,~~
- ~~9. The extension shall not permit the creation of an additional dwelling unit nor shall it constitute an extension of the living area of the dwelling.~~

~~**R. Limitation Per Lot.** More than one special exception can be made for a lot only if the total of the exceptions granted shall never be permitted to exceed the maximum exception which could have been obtained if all of the requests for exceptions were combined into one request; **MOVED TO FRONT**~~

~~**S. Board Recommendations.** The board is empowered and encouraged to recommend to the city council any additional special exceptions which it believes are necessary or useful to the welfare of the community; **MOVED TO POWERS SECTION**~~

~~**T.** Authorize the reduction of a required yard setback as applied to the installation of a permanent protective shade covering that is to be located on any lot, or portion thereof, devoted to the sale of automobiles, light trucks, motorcycles and boats; provided, that the following conditions are met:~~

- ~~1. No portion of the permanent protective shade covering is within five feet of a property line, and~~
- ~~2. No building wall shall be permitted to be erected which encloses the permanent protective shade covering, and~~
- ~~3. A minimum parkway of twelve feet is provided along a property line abutting a street right-of-way, and~~
- ~~4. The encroachment of the permanent protective shade covering onto a portion of a required yard setback is necessary due to a specific characteristic in the particular property involved,~~

~~including the proximity to existing structures on the property, the shape or topography of the property, or any similar distinguishing condition, and~~  
5. ~~The color and design of the permanent protective shade covering complements the building and does not obscure the architecture of any primary building on the property, and~~  
6. ~~A landscaped area is provided within the property to buffer the lower elements of the permanent protective shade covering from a street right-of-way, and~~  
7. ~~No sign, including balloons, pennants, banners or other outdoor advertising displays, shall be permitted on any part of the permanent protective shade covering, and~~  
8. ~~Aesthetic lighting is provided to illuminate the permanent protective shade covering, and~~  
9. ~~The design and construction of the permanent protective shade covering is structurally sound and in accordance with all applicable provisions of this code, except for the encroachment into a required yard setback;~~

**U-J. In existence 15 years or more.** Permit the encroachment into the required yard setbacks for structures; provided, however, that ~~when~~ the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the Municipal Code.

**V-K. Front Yard Setback.** Permit an extension ~~if of~~ a single-family residential structure into the required front yard, which shall be measured to the property line; provided, however, that:

1. The residential structure has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The total length of all extensions granted shall not project into the required front yard a depth in excess of ten feet; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. A minimum of a ten foot front setback from the property line shall be maintained; and,
6. If the proposed modification is for an enclosed garage, a minimum twenty foot driveway shall be required; and,
7. Unless otherwise provided in this section, all remaining areas of the required front yard shall be permanent open space; and,
8. The extension shall not permit the creation of an additional dwelling unit. ~~or an over-intensive use or coverage of the site;~~

(Ord. 16516 §§ 1—5, 2006; Ord. 15479 §§ 1—3, 2003; Ord. 14752, 2001; Ord. 14019, 1999; Ord. 13716, 1998; Ord. 13616 § 2, 1998; Ord. 13465, 1998; Ord. 13416 § 1, 1997; Ord. 13341, 1997; Ord. 13152 § 2, 1997; Ord. 13062 § 1, 1997; Ord. 12815 §§ 1, 2, 1996; Ord. 12681, 1996; Ord. 10820 § 1, 1991; Ord. 10615 § 1, 1991; Ord. 9728 § 1, 1989; Ord. 8349, 1985; prior code § 25-73)

### **2.16.060 Administration.**

A. All applications to the board will be in writing on forms ~~provided~~ ~~prescribed~~ by the ~~planning, research and development services~~ department ~~and with documents as required~~ and shall be accompanied by the fee as set ~~forth in this subsection by city council~~ to help defray the cost of publication, the giving of notice, and general expense in connection with the ~~appeal~~ application. Before acceptance, all applications submitted shall be complete in all details, ~~including but not limited to the identification of any additional nonconforming properties required as condition of~~

~~approval for certain special exceptions. The fee schedule for applications before the board shall be as follows:~~

~~1. For single-family and two-family dwelling units: one hundred two dollars and sixty cents;~~

~~2. All other applications: four hundred fifty-one dollars and fifty cents.~~

B. The owners of property within three hundred feet of the subject property shall be provided written notice of the application for a special exception or variance ten days prior to the hearing of the board.

C. The building permits and inspections ~~deputy~~ director shall only issue a building permit for construction authorized by board action during the first twelve months after board authorization unless otherwise directed by the board at the time the authorization is approved.

CD. Extension of the time ~~to obtain a building permit~~ may be requested from the board during the one-year period. Extension of time may not be requested when demolition of non-permitted structure(s) is required. The request for an extension shall be acted upon by the board at the regular meeting, but no notice and hearing shall be required. If a board authorization expires, a new ~~appeal~~application accompanied by a new fee is required.

DE. ~~Appeals~~Applications for special exceptions may be granted, denied or granted with conditions by the board.

EF. Reapplication. The board will not consider an appeal or application that is the same or very similar to one that has been denied, for a period of one year.

FG. Revocation. The board of adjustment shall have authority to revoke a variance or special exception if it finds development and/or operation is not in accordance with the conditions under which a variance or special exception was permitted.

H. Appeals of board decisions. Appeals from the zoning board of adjustment lie directly to the district court. (Ord. 15661 § 1, 2004; Ord. 15479 § 4, 2003; Ord. 15226 § 1, 2002; Ord. 13152 § 3, 1997; Ord. 12112 § 1, 1994; Ord. 10934 § 1, 1992; Ord. 10930 § 1, 1992; Ord. 10100 § 1, 1990; Ord. 10060 § 1, 1990; prior code § 25-74)