

20.09 HOUSING APPEALS. (1) The Zoning Board of Appeals shall serve as a housing board of appeals in order that the provisions of the housing code may be properly and reasonable applied that substantial justice will be done and unnecessary hardship relieved, where it would result from the strict application of the provisions hereof, and where the intent and spirit of the law and ordinance may be observed and obtained and the public safety secured.

(2) **MEETINGS.** The board shall meet at the call of the chairman, or in his absence the secretary and shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board and the vote of each member on each question. The board may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(3) **APPEALS.** (a) Any person affected by any notice, order, decision or ruling of an official, issued in connection with the enforcement of this code, may request and shall be granted a hearing on the matter before the board.

(b) The petition shall be in writing and shall specify the name, address, and telephone number of the petitioner and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee of \$300.00 and shall be filed within 10 days after the day of the notice and order are served. Upon receipt of such petition, the chief housing official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.

(4) **VARIANCE.** Applications for variance shall be made in accordance with the procedure as provided for appeals. Variances may be provided and authorized by the board of appeals as to any of the terms, provisions, or requirements of this ordinance in accordance with the standards as provided in Chapter 20.09 of this code.

(5) **HEARINGS.** Hearings shall be commenced within a reasonable time after a petition has been filed, and the petitioner shall be notified thereof. At such hearings the petitioner shall be entitled to appear in person or by agent or attorney and to show cause why the matter appealed should be modified or withdrawn or a variance granted. The failure of a petitioner or a representative to appear at a hearing shall constitute an abandonment of the petition.

(6) **DECISIONS.** After a hearing the board shall sustain, modify or withdraw the notice and order depending upon its findings. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this code, the board may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done, and the spirit of this code upheld. The majority vote of members present of the board shall be necessary to reverse or modify any order of the chief housing official or grant a variance under this section.