

Section 1002 Proceedings of the Board of Adjustment

1002.1 The Board shall elect a chairman and vice-chairman from among its members, who in turn will appoint a secretary and such other subordinates as may be authorized by the Village Council. 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 Vice-Chairman may administer oaths. 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 every question or, if absent or failing to vote, indicating such fact, and also keep records of its examinations and other official action.

1002.2 The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, or to decide in favor of the applicant any matter on which it is required to pass under the zoning ordinance or to effect any variation in such ordinance.

1002.3 An appeal to the Board may be taken by any person, firm, or corporation aggrieved, or by any village officer, department, board or agency affected by any decision of the Zoning Enforcement Officer based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken within such time as shall be prescribed by the Board of Adjustment by general rule by filing with the Zoning Enforcement Officer a notice of appeal and specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other wise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

1002.4 Any member(s) of the board who declares that a potential conflict of interest may exist with respect to any petition or application before the Board may be excused and replaced by an alternate. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.