

Sec. 98-197. - Appeals.

Appeals to the zoning board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the building official. Such appeal shall be taken within ten days, by filing with the building official from whom the appeal is taken and with the zoning board of adjustment a notice of appeal specifying the grounds thereof. The official from whom the appeal is taken shall forth with transmit to the zoning board of adjustment all papers constituting the record upon which the action appealed from was taken. The city attorney shall represent all officials and bodies of the city in all appeals before the zoning board of adjustment.

(1) *Time for and notice of hearing of appeal.* The zoning board of adjustment shall fix a reasonable time for the hearing of appeals, give public notice thereof, as well as notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

(2) *Action on appeal.* In exercising the powers set forth herein, the zoning board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the order, requirement decision or determination as ought to be made, and to that end shall have the powers of the official from whom the appeal is taken.

(3) *Appeals to stay proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the building official certifies to the board, after 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 the event the building official shall make and file such a certificate his action shall not be stayed except by a restraining order which may be granted by the board, or by a court of record, upon application of the party aggrieved by the action of the building official and after notice to him and upon due cause shown.

(4) *Appeals from the zoning board of adjustment.* Any persons, jointly or severally, aggrieved by any decision of the zoning board of adjustment, may present to a court of competent jurisdiction a petition for a writ of certiorari as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented within ten days of the date of the decision of the zoning board of adjustment.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.06)), 3-17-98)