

ARTICLE 6. BOARD OF APPEALS.

Section 14-137. City Council designated as Board of Appeals.

The City Council is designated as the Board of Appeals for the City of Trinidad pursuant to Section 8.5 of the Charter of the City of Trinidad.

Section 14-138. Powers and duties.¹

The City Council, in its capacity as the Board of Appeals, shall hear and decide appeals from decisions of the City Planning, Zoning and Variance Commission either granting or denying requests for variances and with respect to applications for a conditional use or special use permit, and from orders of the Building Inspector to repair or demolish buildings. All decisions shall be final. (Ord. 1632, eff., 6/30/00)

Section 14-139. Appeals from Planning, Zoning and Variance Commission - Procedure.²

Any person aggrieved by a decision of the Planning, Zoning and Variance Commission granting or denying a variance request, or any officer or department of the City, may appeal such decision to the City Council. Any applicant for a conditional use or special use permit within a zone district whose application has been denied by the Planning, Zoning and Variance Commission or who is dissatisfied with the decision imposing conditions on the conditional or special use by the Planning, Zoning and Variance Commission, may appeal such decision to the City Council. Such appeal must be in writing and filed with the City Clerk no later than fifteen (15) days following the issuance of the decision by the Planning, Zoning and Variance Commission. The appeal shall contain, at a minimum, a brief statement setting forth the basis for the appeal. The City Clerk shall refer the appeal to the City Council, which shall schedule a hearing to be held no less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the City Clerk. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the Appellant by the City Clerk, by causing a copy of such notice to be delivered to the Appellant personally or by mailing a copy thereof, postage prepaid, addressed to the Appellant at his/her address as shown on the appeal. The City Planner shall be served with the notice in the same manner. In the case of an appeal of a variance decision, the person who requested the variance shall also be served in the same manner. Notice of such hearing shall also be published at least ten (10) days prior to the date of the hearing. (Ord. 1632, eff., 6/30/00)

Section 14-140. Appeals from orders of Building Inspector - Procedures.

Appeals from orders of the Building Inspector to repair or demolish buildings shall be made in the manner set forth in Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition.

¹ Chapter 14, Article 6, Section 14-138 repealed and reenacted. (Ord 1632, eff., 6/30/00)

² Chapter 14, Article 6, Section 14-139 is repealed and reenacted. (Ord 1632, eff., 6/30/00)

Section 14-141. Conduct of hearing.

The following rules shall be observed in the conduct of hearings held pursuant to this Article:

- (1) Each party shall have these rights among others:
 - (a) to call and examine witnesses on any matter relevant to the issues of the hearing;
 - (b) to introduce documentary and physical evidence;
 - (c) to cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (d) to impeach any witness regardless of which party first called him/her to testify;
 - (e) to rebut the evidence against him/her;
 - (f) to represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.
- (2) No Council Member, who was not present at the hearing, shall take part in the decision.
- (3) In addition to witnesses called by the parties or the City Council, interested persons shall have an opportunity to be heard at any hearing for consideration of a request for variance.
- (4) At the conclusion of any hearing, or within not more than thirty (30) days thereafter, the City Council shall render its decision either orally or in writing. Such decision shall set forth findings of fact and conclusions based thereon. The Appellant and any other parties shall be issued a copy of the written decision of the City Council or a written notice of the oral decision of the City Council as soon as practicable after the decision has been rendered.