

**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. DEVELOPMENT STANDARDS BOARD OF APPEALS.****CHAPTER 1****DEVELOPMENT STANDARDS BOARD OF APPEALS****SECTION**

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**2-101. Appointments.** There is established a board to be called the development standards board of appeals which shall consist of five (5) members. Said board shall be appointed by the mayor per the requirements established herein. (1999 Code, § 2-101)

**2-102. Appeals.** Whenever a determination or decision is made by a city official acting in his/her official capacity with regard to either the utility or public works standards, it shall be the right of the owner, contractor, or duly authorized agent to appeal said determination or decision to the board. Notice of appeal shall be in writing and filed within thirty (30) days from the time a decision is rendered by the city official. (1999 Code, § 2-102)

**2-103. Decisions.** Upon hearing an appeal, the board may uphold the decision of the city official, or the board may vary the application of any provision of the city's adopted standards when, in the board's opinion, the enforcement thereof would be contrary to the spirit and purpose of the adopted standards or the public interest. (1999 Code, § 2-103)

**2-104. Actions.** The development standards board of appeals shall in every case reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the basis for its decision. If a decision of the board reverses or modifies a decision of the city official, or varies the application of any provision of the adopted standards, the city official shall immediately take action in accordance with that decision. (1999 Code, § 2-104)

**2-105. Decisions are final.** Each decision of the board shall be final, subject to such remedy as may be obtained by a court of law or equity. (1999 Code, § 2-105)

**2-106. Board members.** The board shall consist of five (5) members selected as follows: One (1) member shall be appointed from the Maryville Municipal Planning Commission. Said member shall be a city resident. One (1) member shall be appointed from the city board of adjustments and appeals. Said member shall be a city resident. One (1) member shall be appointed from the city board of zoning appeals. Said member shall be a city resident. Two (2) members at-large shall be appointed--one (1) that resides in the city and one (1) that resides in Blount County outside the city's corporate boundaries. (1999 Code, § 2-106)

**2-107. Terms of office.** Of the members first appointed, two (2) shall be appointed for a term of three (3) years, two (2) for a term of four (4) years, one (1) for a term of five (5) years, and thereafter they shall be appointed for terms of five (5) years. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are made. Continued absence of any member from meetings of the board shall, at the discretion of the mayor, render such member subject to immediate removal from the board. (1999 Code, § 2-107)

**2-108. Quorum.** Three (3) members of the board shall constitute a quorum. In varying the application of any provisions of the adopted standards or in modifying an order of the city official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A board member shall not act in a case in which he/she might have a personal interest. (1999 Code, § 2-108)

**2-109. Secretary of the board.** The city engineer, or his designated representative, shall act as secretary of the board and shall keep a record of its proceedings. (1999 Code, § 2-109)

**2-110. Procedures.** The board may establish guidelines and procedures consistent with the provisions of the adopted standards. The board shall meet on an "as called" basis, with said meeting being called by the secretary of the board upon receipt of an appeal. (1999 Code, § 2-110)