ORDINANCE NO. 1949

AN ORDINANCE of the City of Kent, Washington, providing for the creation, composition, function, procedures and actions of the Kent Board of Adjustment.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. BOARD OF ADJUSTMENT CREATED. The Board of Adjustment is hereby created to carry out the intent and policy of the City Council.

Section 2. BOARD MEMBERS. The Board of Adjustment shall consist of five (5) voting members, all of whom shall serve without compensation. The members of the Board of Adjustment shall be appointed by the Mayor with the consent of the Council. In case any vacancy should occur in the membership of the Board for any cause, the Mayor shall fill such vacancy by making an appointment with the consent of the Council. Any member of the Board of Adjustment may be removed by the Mayor, subject to the approval of the Council. The initial membership shall consist of appointments for staggered terms of one, two, three, four and five years; each appointment thereafter shall be for five (5) years, except that appointment to replace any terminated membership shall be for the duration of the unexpired term.

Section 3. COMPOSITION OF THE BOARD OF ADJUSTMENT: QUORUM. The Board of Adjustment shall consist of citizens having an understanding of the benefits of planning and zoning to the City. No member, however, may be a member of the Planning Agency or the City Council. The presence of any three (3) voting members shall constitute a quorum.

Section 4. BOARD OF ADJUSTMENT FUNCTION. The function of the Board of Adjustment is to hear and decide:

1. Appeals from orders, recommendations, permits, decisions, or determinations made by a City official in the administration or enforcement of the provisions of the Kent Zoning Code or any ordinances adopted pursuant to it.
2. Applications for variances from the terms of the Zoning Code, provided, however, that no application for a variance shall be granted unless the Board of Adjustment finds:
   a. the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
   b. that such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
   c. that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

3. Such other quasi judicial and administrative determinations as may be delegated by ordinance.

In deciding any of the matters referred to in subsections 1, 2 and 3 of this Section, the Board of Adjustment shall issue a written report giving the reasons for its decision.

Section 5. PROCEDURE.
1. The Board of Adjustment shall adopt rules and regulations for its own government, not inconsistent with the provisions of this or any other ordinances of the City.

2. The Board shall hold not less than one (1) regular meeting each month of the year; provided, however, if no issues over which the Board has jurisdiction are pending the meeting may be cancelled. All official meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the action of the Board upon each question, and shall keep records of its examinations and other official actions taken by it, all of which shall be immediately filed with the City Clerk and shall be public record.

3. An application to the Board, in cases in which it has
original jurisdiction under the provisions of the Zoning Code, may be made by any person or agency affected. Such application, on an appropriate form, shall be filed as per Section 7.4.1. of the Kent Zoning Code.

4. Appeals to the Board from any ruling of the Planning Department, or any other administrative officer administering any portion of the Zoning Code, may be made by any person or agency as per Section 7.7 of the Kent Zoning Code.

Section 6. BOARD MEETINGS. When an application or appeal has been filed in proper form, with the required data and payment of any required fee, the Planning Department shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Said notices shall be served according to the provisions of Section 7.4.2 of the Kent Zoning Code.

Section 7. RESOLUTION REQUIRED. All actions of the Board of Adjustment shall be by resolution which shall state the reasons for each decision. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Planning Department, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Code, or to effect any variance in the requirements of this Ordinance.

Section 8. BOARD ACTION FINAL. The action of the Board of Adjustment shall be final and conclusive, unless, within ten (10) days from the date of the action, the original applicant or an adverse party makes application to the King County Superior Court for a writ of prohibition, mandamus, or certiorari.

Section 9. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

ISABEL HOGAN, MAYOR

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ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
DONALD E. MIRK, CITY ATTORNEY

I hereby certify that this is a true copy of Ordinance No. 1975, passed by the City Council of the City of Kent, Washington, the ___ day of December, 1975.

[Seal]
MARIE JENSEN, CITY CLERK

PASSED the ___ day of December, 1975.
APPROVED the ___ day of December, 1975.
PUBLISHED the ___ day of December, 1975.