FAYETTE *Press Release*

BOARD OF COMMISSIONERS

ONE OPEN POSITION ON THE FAYETTE COUNTY ZONING BOARD OF APPEALS

The Fayette County Zoning Board of Appeals is a body comprised of five members who are appointed to three-year terms. The purpose of the Zoning Board of Appeals is to hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of regulations. The Zoning Board of Appeals may, in conformity of the provisions of regulations, reverse or affirm the order, requirement, decision, or determination of the Zoning Administrator. The Board may also direct the issuance of a permit. The Zoning Board of Appeals may also authorize, upon appeal in specific cases, a variance from the terms of regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done.

Each member of the Fayette County Zoning Board of Appeals must be a resident of Fayette County. No member of the Zoning Board of Appeals may hold any other public office, except that one (1) member may also be a member of the Planning Commission.

The Zoning Board of Appeals meets, as needed, on a monthly basis at 7:00 p.m. at the Fayette County Administrative Complex located at 140 Stonewall Avenue West, Fayetteville, Georgia 30214. Board members are compensated $75.00 per meeting but no more than $150.00 per month.

The Fayette County Board of Commissioners would like to notify interested Fayette County citizens that ONE position on the Zoning Board of Appeals is available for appointment with a term beginning January 1, 2027 and expiring December 31, 2029.

Applications can be obtained by visiting www.fayettecountyga.gov ; Public Notices. All applications must be returned to Tameca Smith, County Clerk at tsmith@fayettecountyga.gov or at 140 Stonewall Avenue West, Suite 100, Fayetteville, Georgia **no later than 5:00 p.m. on Friday, November 20, 2026.**

Contact: Tameca P. Smith, County Clerk
Office: (770) 305-5103

APPLICATION FOR APPOINTMENT
Fayette County Zoning Board of Appeals

Thank you for your interest in being considered for appointment to the Fayette County Zoning Board of Appeals.

Applicants must be a legal resident of the State of Georgia and a resident of Fayette County.

The Zoning Board of Appeals is comprised of five members appointed to three-year terms. Meetings are scheduled to be held on a monthly basis. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Zoning Board of Appeals meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, November 20, 2026.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME _____

ADDRESS _____

_____

TELEPHONE (cell) _____ (home) _____

(email address) _____

_____ _____

Signature Date

APPLICATION FOR APPOINTMENT
Fayette County Zoning Board of Appeals

1. How long have you been a resident of Fayette County?

2. Why are you interested in serving on the Zoning Board of Appeals?

3. What qualifications and experience do you possess that should be considered for appointment to the Zoning Board of Appeals?

4. List your recent employment experiences to include name of company and position.

5. Do you have any past experience related to this position? If so, please describe.

6. Are you currently serving on a commission/board/authority or in and elected capacity with any government?

7. Have you attended any Zoning Board of Appeals meetings in the past two years and, if so, how many?

8. Are you willing to attend seminars or continuing education classes at county expense?

9. Would there be any possible conflict of interest between your employment or your family and you serving on the Zoning Board of Appeals?

10. Are you in any way related to a County Elected Official or County employee? If so, please describe.

11. Describe your current community involvement.

12. Have you have been given a copy of the county's Ethics Ordinance?

13. Is there any reason you would not be able to comply with the Ethics Ordinance?

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2016-04

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REWRITE THE CODE OF ETHICS FOR FAYETTE COUNTY, GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY GEORGIA BE DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY, GEORGIA TO READ AS FOLLOWS:

SECTION 1. By deleting Sections 2-200 through 2-208 which comprise the Code of Ethics in their entirety and by enacting the following Code of Ethics to be numbered and to read as follows:

Sec. 2-200. Purpose.

The purpose of this Code of Ethics is to:

(a) Encourage high ethical standards in conduct by Fayette County officials ("County Officials");

(b) Establish guidelines for ethical standards of conduct for all County Officials by setting forth those acts or actions that are incompatible with the best interests of Fayette County (the "County");

(c) Maintain public trust through transparency by requiring disclosure by County Officials of private financial or other interests in matters affecting the County or in matters that affect their ability to act in the best interests of the County; and

(d) Serve as a basis for disciplining those who do not comply with its terms.

Sec. 2-201. Scope.

The provisions of this Code of Ethics shall be applicable to all County Officials. Further, the County Purchasing Director shall develop procedures for individuals, corporations and other entities seeking to do business with the County to disclose financial, familial or other relationships with any person who comes within the scope of this Code of Ethics and who is also required to disclose such relationships. Such disclosures must be made prior to presenting a recommendation of award to the Fayette County Board of Commissioners (the "Board of Commissioners") or, if Board of Commissioners approval is not required, prior to execution of a contract in excess of $10,000. The obligation for an individual, corporation or other entity seeking to do business with the County to disclose the aforementioned relationships is ongoing and shall be enforced as a prerequisite to any action by a County Official or other person covered by this Code of Ethics to renew, extend or otherwise modify a contract after award.

Sec. 2-202. Definitions.

The following words and phrases as used in this Code of Ethics shall, unless the context clearly indicates otherwise, have the meanings as follows:

(a) *County* means Fayette County, Georgia.

(b) *County Administrator* means the individual who serves as County Administrator of Fayette County.

(c) *County Official* includes County employees, members of the Board of Commissioners, the County Administrator, the County Clerk and the County Attorney. County Official also includes all individuals appointed by the County Administrator and the Board of Commissioners to County authorities, commissions, committees, boards, task forces, or other bodies.

(d) *Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

(e) *Ethics*: the discipline dealing with what is good and bad and with moral duty and obligation – Merriam Webster

(f) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any County Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(g) *Person* means an individual, a business entity, or other similar type organization.

Sec. 2-203. Prohibitions.

(a) No County Official shall use or secure confidential information for any purpose other than his/her official duties.

(b) No County Official may participate or vote on any matter before the Board of Commissioners or other County body where such County Official has a substantial interest in the

outcome of such matter. For purposes of this Code of Ethics, a substantial interest is found where the County Official receives a pecuniary interest due to the outcome of the vote.

(c) No County Official shall act as an agent or attorney for another in any matter before the Board of Commissioners or other County body.

(d) No County Official shall enter into any contract with the County except as authorized by state law.

(e) No County Official shall solicit or accept other employment to be performed, or compensation to be received, while still a County Official if the employment or compensation could reasonably be expected to impair such County Official's judgment or performance of County duties.

(f) No County Official shall disseminate confidential information to someone other than another County Official, unless otherwise authorized by law.

(g) No County Official shall solicit or accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the County Official's duties.

Sec. 2-204. Conflict of Interest.

(a) No County Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the County Official has a substantial interest.

(b) A County Official who has a relationship with any entity which receives funding from the County shall disclose such relationship prior to participating in any action for such funding.

(c) A County Official shall never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

(d) No County Official shall engage in any business with the County, or allow any member of his/her immediate family to engage in any business with the County which is inconsistent with the conscientious performance of his/her governmental duties.

(e) Notwithstanding anything contained herein to the contrary, a County Official shall disclose, prior to discussing or taking any action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than $100.00. Receipt of gifts and campaign contributions within the current election cycle valued at $250.00 or more by a County Official, or member of his/her immediate family, will prohibit the County Official from participating or taking action on any matter involving the donor.

Sec. 2-205. Enforcement and administration.

(a) All allegations of violations of the Code of Ethics must be filed with the County Clerk, in writing, signed by the complainant, no later than 45 days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged violation of the Code of Ethics within such 45-day period. In such case, a complainant must file an Ethics Complaint with the County Clerk no later than 45 days after the complainant discovered the alleged violation.

(b) In no event shall an Ethics Complaint be filed with the County Clerk more than six (6) months from the date of the alleged violation of the Code of Ethics.

(c) The complainant may withdraw the Ethics Complaint at any time in writing.

(d) Within 30 days of receipt of an Ethics Complaint the Board of Commissioners will review the Ethics Complaint to determine whether same is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against County Officials who are employees may be referred through the proper channels consistent with the Employee Handbook's disciplinary procedures. A majority of the full Board of Commissioners shall make the determination of whether or not a review board should be impaneled.

(e) If a complaint is received by the Clerk which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, a determination of sufficiency of the complaint will not be forwarded to the Board of Commissioners. The County Attorney of any county within the Griffin Judicial Circuit, or any circuit abutting the Griffin Judicial Circuit, other than the County Attorney for Fayette County, shall make the determination of whether or not a review board should be impaneled.

(f) If a review board is needed, three (3) county attorneys, other than the County Attorney for Fayette County, within reasonably close geographic proximity of the County will be requested to conduct a public hearing based upon the complaint. A majority vote based upon clear and convincing evidence will determine the existence of the violation or lack thereof. Should the review board find a violation has occurred, the review board will assess the commensurate penalty for the violation. A written decision shall be issued within 15 days of the conclusion of the public hearing. County Officials are subject to the following penalties and action for violations of the Code of Ethics:

(1) Written reprimand or public censure;

(2) Recovery of value transferred from or received by the County;

(3) Cancellation of the contract or rejection of the bid or offer;

(4) A monetary fine not to exceed $1,000.00; and

(5) Demotion or termination.

(g) Any County Official adversely affected by any final decision of the Board of Ethics may appeal as provided in this subsection.

(h) An appeal by certiorari may be commenced in the Superior Court of Fayette County within 30 days after the decision becomes final.

Secs. 2-206 – 2-220. Reserved.

SECTION 2. This ordinance shall become effective immediately upon its adoption by the Fayette County Board of Commissioners.

SECTION 3. All other ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

SECTION 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ORDAINED this 25th day of February, 2016.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
CHARLES W. ODDO

ATTEST:

_____
Floyd L. Jones, County Clerk

Approved as to form:

_____
County Attorney

ARTICLE VII. ZONING BOARD OF APPEALS[1]

Sec. 110-238. Membership.

(a) *Membership and appointments.* The zoning board of appeals shall consist of five members residing within the county and shall be appointed by the board of commissioners. None of the board members shall hold any other public office, except that one member may also be a member of the planning commission. The zoning board of appeals members shall be removed by the board of commissioners for cause, upon written charges, and after public hearing. Any member of the zoning board of appeals shall be disqualified to act upon a matter before the zoning board of appeals with respect to property in which the member has an interest. It may be deemed cause for removal should any zoning board of appeals member fail, without proper reason, to attend three consecutive meetings.

(b) *Term of office.* The term of office for each member of the zoning board of appeals shall be for three years and the member shall remain on the board until reappointed or a successor is appointed. It is the intent of this section that their terms be staggered with no term limitation.

(c) *Compensation.* The zoning board of appeals members shall receive compensation for their service as determined by the board of commissioners.

(Ord. No. 2015-06, § 1, 3-26-2015)

Sec. 110-239. Rules and procedures.

The zoning board of appeals shall elect one of its members as chairperson and another as vice-chairperson, each serving for one year, or until re-elected, or a successor is elected. The vice-chairperson shall have the authority to act as chairperson in the chairperson's absence. The zoning board of appeals shall appoint a secretary who shall be an employee of the county. The zoning board of appeals shall have authority to adopt rules of procedure. Meetings of the zoning board of appeals may be held at the call of the chairperson. The chairperson may administer oaths and compel the attendance of witnesses by subpoena. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the planning and zoning department and shall be public record. The decisions of the zoning board of appeals shall contain a statement of the subject matter being considered by the zoning board of appeals, and the grounds for its decision reduced to written form. The full text shall be sent to the appellant/petitioner.

(Ord. No. 2015-06, § 1, 3-26-2015)

[1]Editor's note(s)—Ord. No. 2015-06, § 1, adopted March 26, 2015, repealed the former art. VII, §§ 110-238—110-242, and enacted a new art. VII as set out herein. The former art. VII pertained to similar subject matter and derived from Code 1992, §§ 20-9-1—20-9-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-13, § 1, 9-26-2013.

Sec. 110-240. Administrative assistance.

The planning and zoning department shall provide such technical, administrative, clerical assistance, and office space as is required by the zoning board of appeals to carry out its function under the provisions herein.

(Ord. No. 2015-06, § 1, 3-26-2015)

Sec. 110-241. Public hearing.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

(1) Place: the county administrative complex.

(2) Time and Date: Fourth Monday, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

(b) *Conduct of hearing.* Public hearings shall be conducted with 20 minutes provided for the appellant/petitioner and proponents and 20 minutes provided for the opponents of an appeal/petition. An appellant/petitioner may reserve part of the allotted time for rebuttal.

(c) *Notice of hearing shall be given.* Before making its decision on an appeal, a request for a variance, or any other matter within the zoning board of appeals' purview, the zoning board of appeals shall hold a public hearing thereon. A notice of the date, time and place of such hearing shall be sent to the appellant/petitioner by certified U.S. mail to the appellant/petitioner's last known address.

(d) *Public notice in newspaper.* The zoning board of appeals shall cause public notice of the hearing to be published in the legal organ of the county, at least 15 calendar days but not more than 45 calendar days, prior to the date of the public hearing.

(e) *Posting of signs.*

(1) A sign shall be posted on property. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.

(2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the appeal/petition number, the time, date, and place of the hearing.

(3) A refundable sign deposit shall be required for each sign at the time of filing the appeal/petition.

(f) *Who may appear.* Any party may appear at the public hearing in person or by agent or attorney.

(g) *Zoning board of appeals' decision.* The zoning board of appeals shall approve, deny, or table each appeal/petition by a public vote. An action to table shall include justification of such action and a specific meeting date at which the appeal/petition is to be reconsidered. If there is not a full zoning board of appeals board present at the public hearing, the appellant/petitioner may request to table the appeal/petition to the next zoning board of appeals public hearing, provided the appellant/petitioner requests to table the agenda item prior to the presentation. A new legal advertisement will be required with an announcement to a specific meeting date if an appeal/petition is tabled. The property shall be reposted with new signage indicating the new public hearing dates.

(h) *Time limit on zoning board of appeals decision.* The zoning board of appeals shall reach a decision following a public hearing within 45 calendar days or the appeal/petition shall be deemed approved.

(i) *"Writ of certiorari" (appeal*). An appellant/petitioner has 30 calendar days from the date of the zoning board of appeals' decision to seek a "writ of certiorari" (appeal) with the superior court of the county.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2017-11, § 1, 6-22-2017)

Sec. 110-242. Powers and duties.

(a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.

(1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.

(2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.

(3) *Extent of the zoning board of appeals'power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.

(b) *Request for a variance.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for an improved illegal lot. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and

(2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and

(3) Such conditions are peculiar to the particular piece of property involved; and

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and

(5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

(c) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.

(d) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.

(e) *Request for a change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.

(f) *Request for an extension or enlargement of a legal nonconforming use.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:

(1) The use is a legal nonconforming use as defined in these regulations; and

(2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and

(3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.

(g) *Request for a continuance of a legal nonconforming use.* The zoning board of appeals may allow, upon appeal in specific cases, a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:

(1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and

(2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and

(3) Adjacent property would not be unduly damaged by such continuance; and

(4) The use is to be identical to the prior legal nonconforming use.

(h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district, or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

(1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;

(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

(i) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods: and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.

(j) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2016-08, § 1, 5-12-2016; Ord. No. 2017-11, §§ 2, 3, 6-22-2017; Ord. No. 2020-02 , § 22, 5-28-2020)

Secs. 110-243—110-262. Reserved.