

## ARTICLE 8 BOARD OF ADJUSTMENT

### Sec. 18 Appeals to Board of Adjustment.

Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board, or bureau of the municipality affected by a decision of the Treasurer of the Town of Magnolia, in the administration of this zoning code. Such appeal shall be taken within thirty (30) days of the aggrieved decision by filing with the Town Treasurer, a notice of appeal specifying the grounds thereof. The Treasurer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

### Sec. 19 Filing Fee.

A fee of fifty dollars (\$50.00) shall accompany each appeal to help offset the cost of the hearing; provided, however, the filing fee may be refunded at the Board of Adjustment's discretion under the following conditions:

- (a) The applicant must apply at the meeting of the Board of Adjustment when his application is heard; and
- (b) The applicant must show:
  - (1) The appeal was filed as a result of a valid order of the Town of Magnolia requiring the applicant to reconstruct or repair a dwelling so as to comply with the minimum housing code; or
  - (2) The applicant is a charitable organization qualified for tax-exempt status by the Internal Revenue Service; or
  - (3) The Board of Adjustment determines that it does not have jurisdiction to decide the applicant's appeal.

### Sec. 20 Effect of Appeal Upon Proceedings.

An appeal shall stay all proceeding in furtherance of the action appealed from, unless the Treasurer certifies to the Board after the notice of appeal is filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to Treasurer for due cause shown.

### Sec. 21 Composition; terms of office.

The Board of Adjustment shall consist of the chief engineer of the Town,

