

Chapter 2 – Administration  
**Article VII – Boards and Commissions**  
**Division 9 – Board of Adjustment**

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§ 2-590. Created.

There is hereby created a Board of Adjustment. Those members presently serving in office under the prior ordinance shall continue to serve for the remainder of their respective terms and all business before the present Board of Adjustment shall continue to be considered by the Board of Adjustment pursuant to the authority granted to it by this code.

§ 2-591. Composition; Terms; Removal; Vacancies.

- (a) The Board of Adjustment shall consist of five members. Each member shall be a resident of the City of Kirkwood and shall be appointed by the Mayor with approval of the City Council.
- (b) Four members shall constitute a quorum for conducting its business.
- (c) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse or modify any order, requirement, decision or determination of the Director of Public Services, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning and Subdivision Code or to effect any variation in such code.
- (d) The term of office of the members of the Board of Adjustment shall be for five years.
- (e) Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members.
- (f) All members and alternates shall be removable for cause by the City Council upon written charges and after public hearing.
- (g) In the event of death, resignation, or removal of any member, a successor shall be appointed to serve for the unexpired term for which such member has been appointed.
- (h) Each member shall serve until a successor is duly appointed and qualified.

§ 2-592. Organization.

- (a) The Board of Adjustment shall elect from its members a Chairman, Vice-Chairman, and Secretary.
- (b) The Chairman, Vice-Chairman, and Secretary shall be elected for a term of one year but shall hold the office until a successor has been elected.
- (c) The Vice-Chairman is to act as Chairman in the absence of the Chairman.

§ 2-593. Rules of Procedures; Meetings.

- (a) The Board of Adjustment shall make rules and regulations as it shall deem necessary for the conduct of its affairs, provided that such rules and regulations shall not be inconsistent with the provisions of this code and other ordinances of the City.
- (b) Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine.
- (c) The Chairman may administer oaths and compel the attendance of witnesses.
- (d) All meetings of the Board of Adjustment shall be duly publicized and open to the public.
- (e) The Board of Adjustment 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 office of the Board of Adjustment and shall be a public record.
- (f) All testimony, objections thereto, and rulings thereon, shall be taken down by a reporter employed by the Board of Adjustment for that purpose.

- (g)** The Kirkwood Code of Ordinances, including Chapter 25 (Zoning and Subdivision Code), the Comprehensive Plan, and the Zoning District Map, which are or may hereafter be in force, shall automatically be part of the evidence at each hearing before the Board of Adjustment to the extent applicable, without being specifically introduced at a hearing.

§ 2-594. Powers and Duties.

- (a)** The Board of Adjustment shall have the following roles and powers as it relates to Chapter 25 (Zoning and Subdivision Code) of the City of Kirkwood Municipal Code of Ordinance:
- (1)** Hear, review, and decide on appeals in which it is alleged there is an error in any order, requirement, decision, or determination made by the Building Commissioner, Director of Public Services, or an administrative official in the enforcement of the Zoning Enabling Act, Sections 89.010 through 89.140 (1992), RSMo., as amended, or Chapter 25 of the Municipal Code of Ordinances;
  - (2)** Hear, review, and decide all matters referred to it or upon which it is required to pass under the Zoning and Subdivision Code;
  - (3)** Hear, review, and decide on variance requests pursuant to the provisions of the Zoning and Subdivision Code;
  - (4)** Permit the extension of a district where the boundary line of a district divides a lot of record in single ownership;
  - (5)** Grant an extension of time for the reconstruction of a nonconforming building which has been damaged by fire, explosion, floods, wind or other acts of God, or the public enemy, or by any other cause unrelated or unattributable to the owner as authorized under Chapter 25, Article XII of the Municipal Code of Ordinances; and
  - (6)** Interpret the provision of the zoning and subdivision code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map shall be on file in the office of City Clerk and available for review and inspection.
- (b)** In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

§ 2-595. Definitions.

The definitions and the rules of construction and interpretation for language related to this division are as set forth in Chapter 25, Article XIV of the Municipal Code of Ordinances.