

Section 31 of this sub-title, no permit shall be issued for any building on any part of the land between the lines of a proposed street as thus platted: Provided, however, that the board of zoning appeals of the municipality in which the location of such platted street lies, or a special board of appeals which may be created for the purpose of the council of the municipality, shall have the power, upon an appeal filed with it by the owner of any such land and by a vote of a majority of its members, to grant a permit for a building in such platted street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal: (a) That the entire property of the appellant, of which such reserved street location forms a part, can not yield a reasonable return to the owner unless such permit be granted; and (b) that, balancing the interest of the municipality in preserving the integrity of such street plat and of the municipal plan and the interest of the owner of the property in the use of his property and in the benefits of the ownership thereof, the grant of such permit is required by consideration of reasonable justice and equity. Before taking any such action the board of appeals shall give a hearing at which the parties in interest shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be given to the appellant by mail at the address specified by the appellant in his appeal petition and shall be published in a newspaper of general circulation in the municipality. In the event that the board of appeals grants a building permit in any such appeal it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted and may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the city.

1933. ch. 599, sec. 24.

**33.** *Municipal Improvements In Streets; Buildings Not On Mapped Streets.* No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until such street or highway is fully placed on the official map. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map. Where the enforcement of the provisions of this section would entail exceptional difficulty or unwarranted hardship and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the Board of Appeals. The board may in passing on such appeal make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway layout. Any such decision shall be subject to review by certiorari order issued out of a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations.