

Article 66B - Zoning and Planning

2.08.

(a) The Mayor with the advice and consent of the City Council may provide for the appointment of a [board of zoning appeals] BOARD OF ZONING APPEALS. The [board of zoning appeals] BOARD OF ZONING APPEALS shall consist of five members and they shall be appointed for a term of four years, but of the first appointed members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The members of the [board of zoning appeals] BOARD OF ZONING APPEALS shall be removable for cause by the appointing authority upon written charges and after public hearing.

(b) The [board] BOARD shall adopt rules in accordance with the provision of any ordinance adopted pursuant to this article. Meetings of the [board] BOARD shall be held at the call of the chairman and at such other times as the [board] BOARD may determine. [Such] THE chairman, or in [his] THE CHAIRMAN'S absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the [board] BOARD shall be open to the public. The [board] BOARD 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] BOARD and shall be a public record.

(c) The [board of zoning appeals] BOARD OF ZONING APPEALS shall have the following powers:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which [such board] THE BOARD is required to pass under such ordinance. Nothing in this section shall be construed to prevent the Mayor and City Council of Baltimore from granting variances, special exceptions, or conditional uses by ordinance, when so authorized by the general zoning ordinance of Baltimore City.

(3) To authorize upon appeal in specific cases a variance from the terms of the ordinance.

(4) To approve buildings, and uses limited as to location under such rules and regulations as may be provided by ordinance of the local legislative body.

(5) To take into consideration, as a factor when acting upon a zoning application, the availability of schools and other public facilities in the area, including flood plain facilities, under rules and regulations provided by ordinance of the local legislative body.

(d) Appeals to the [board of zoning appeals] BOARD OF ZONING APPEALS may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Baltimore affected by any decision of the administrative officer. Such appeal shall