

## **SECTION 21.2: BOARD OF ADJUSTMENT-RULES AND REGULATIONS**

### **21.2.A Roberts Rules of Order**

*Roberts Rules of Order*, latest revision, shall be the Board's final authority on all questions of procedure and parliamentary law not covered by these Rules of Procedure.

### **21.2.B Organization**

The Board of Adjustment shall consist of five members appointed by the City Council and who are qualified voters of the City of Stephenville, each to be appointed for terms of two years and removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The City Council may appoint four alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

### **21.2.C Quorum**

A quorum shall consist for four members.

### **21.2.D Officers**

A Chairperson and Vice-Chairperson shall be elected from among the Board's membership at the annual meeting of the Board and at such times as these offices may become vacant. The City's Chief Executive Officer shall designate his or her representative to serve the Board as Executive Secretary.

### **21.2.E Duties**

- (1) The Chairperson, or in his or her absence the Vice-Chairperson, shall preside at all meetings, shall decide all points of order or procedure, and as necessary shall swear in witnesses or compel their attendance.

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- (2) The Executive Secretary shall be custodian of the minutes and other official records, shall attend to the correspondence of the Board, and shall cause to be given notices as are required and in the manner prescribed by law.

### **21.2.F Meetings.**

All meetings shall be held in full compliance with the provisions of the Open Meetings Law, V.T.C.S., Article 551, the Zoning Ordinance of the City of Stephenville, and these Rules of Procedure. Any party in interest may appear in his or her own behalf or be represented by counsel or agent.

- (1) Regular meetings shall be held on the second (2<sup>nd</sup>) Thursday of each month at four (4:00) PM in City Council Chambers at City Hall or at such place as the Board may direct on its notices.
- (2) Special meetings for any purpose may be held:
  - (a) On the call of the Chairperson;
  - (b) On request of two or more members by giving written notice to all members deposited in the mail at least 48 hours before the meetings; or
  - (c) As may be scheduled by a majority or the Board at any previous meeting.
- (3) The members of the Board shall call the Secretary as far ahead of the meeting date as possible when they are unable to attend a meeting.
- (4) If a member misses three consecutive meetings without a valid reason, that place is subject automatically to reappointment by the City Council.

### **21.2.G Agenda.**

An agenda shall be prepared by the Executive Secretary for each meeting of the Board. The agenda shall include appeals and other matters scheduled for consideration by the Board. There shall be attached to the agenda a list of matters pending further action by the Board and pending report of disposition by the Executive Secretary. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

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### **21.2.H Order of Business**

The Chairperson shall call the Board to order and the Executive Secretary shall record the members present and absent. The Chairperson shall publicly advise those present of the procedures followed in the hearing and disposition of appeals; he or she shall call each appeal in the order filed and shall announce the name of the applicant, the location of the property involved, and the nature of the request. The Executive Secretary shall publicly advise the Board of any communications received. Supporting evidence for and against each case shall be presented to the Board. Each case may be taken under advisement until all have been heard.

### **21.2.I Procedure for Hearing**

- (1) The Chairperson shall first call upon the applicant to present his or her case and all evidence supporting his or her plea. The Chairperson shall then inquire of the applicant if there are others affected who support the appeal.
- (2) The Chairman shall next call on those opposed to the granting of the appeal to present their arguments. The applicant shall then have the right of rebuttal to arguments presented by the opposition. Following the rebuttal the Chairperson shall order the hearing closed.
- (3) Each side shall proceed without interruption by the other, and all arguments and pleadings shall be addressed to the Board. No questioning or arguments between individuals will be permitted. During the hearing no member shall discuss, debate or argue an issue with the applicant, nor indicate his probable vote on the appeal.
- (4) The Board shall not continue hearing on any appeal for which the applicant or his or her representative fails to appear unless the applicant has requested that the Board act without his or her being present at the hearing. However, the Board shall hear those persons appearing in response to the notice of hearing.
- (5) The Board shall set and announce publicly a “specified date” for the continuance of the hearing. If a “specified date” cannot be set, then new notices will be required and the same time intervals will apply as with a new application. There shall be only one continuance hearing per applicant.

### **21.2.J Board Questions**

The Chairperson may direct any question to the applicant or any persons speaking in order to bring out all relevant facts, circumstances, and conditions affecting the appeal, and shall call for questions from other members of the Board and from the staff before closing the hearing on each appeal.

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### **21.2.K Decision**

After all appeals have been heard each appeal shall be reviewed and acted upon. During its review the Board may call back any applicant for clarification of facts presented by him in the hearing.

### **21.2.L Disposition of Appeals**

The Board may grant, may grant with modifications, or may deny an appeal. The Board may also defer action on any appeal whenever it concludes that additional evidence is needed or that alternate solutions need further study. An appeal may be dismissed when the Board finds that the appeal has been improperly filed or, upon notification by the enforcing officer, that permits have been issued for a conforming use or development of the property.

### **21.2.M Vote Required**

The concurring vote of four members shall be necessary to grant, or to grant conditionally, any matter appealed to the Board. When a motion in favor of an applicant fails to receive four affirmative votes, the Executive Secretary shall record that fact and shall spread on the minutes an entry stating that the Board has denied the appeal.

### **21.2.N Recording of Vote**

The minutes of the Board's proceedings shall show the vote of each member on each decision of the Board, or if absent or failing to vote shall indicate that fact.

### **21.2.O Definition**

The official records shall include these rules and regulations, and the minutes of the Board together with all findings, decisions, and other official actions. Stenographic notes of the Recording Secretary and tape recordings of proceedings and discussions shall not constitute the official record of the Board.

### **21.2.P Files-Retention**

All appeals and other matters coming before the Board shall be filed in the city's records. Original papers of all appeals shall be retained along with other special matter as the Executive Secretary deems essential for permanent record.

## **Section 21.2: Board of Adjustment-Rules and Regulations**

### **21.2.Q Certified Copy**

A certified copy of these Rules and Regulations and of any amendments thereto will be placed on record in the office of the City Secretary within ten days following their date of adoption.

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