

CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JULY 21, 2016

| | | |
|-----------------|-----------------|---------|
| Council Chamber | Regular Session | 7:00 PM |
|-----------------|-----------------|---------|

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Board Member

Patty McGinty

Board Member

Debbie Karakowsky

Vice Chairman

Amar Raval

Board Member

Samir Sinha

Board Member

Seth A. Miller

Chairman

Tom Ligh

Board Member

William Stone

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

I. CALL TO ORDER (BY OUTGOING CHAIRMAN)**II. PLEDGE OF ALLEGIANCE (THE US AND TEXAS)****III. CERTIFICATION OF A QUORUM (OUTGOING AND INCOMING BOARD)****IV. APPROVAL OF REGULAR MEETING MINUTES (OUTGOING BOARD ONLY)**

1. Board of Adjustment - Regular Session - Jan 21, 2016 7:00 PM

V. COMMUNICATIONS AND REPORTS (OUTGOING BOARD ONLY)**VI. UNFINISHED BUSINESS (OUTGOING BOARD ONLY)****VII. SWEARING IN OF NEW BOARD MEMBERS (INCOMING BOARD ASSUMES DUTIES AND OUTGOING BOARD RETIRES)****VIII. INTRODUCTION OF INCOMING BOARD MEMBERS****IX. ELECTION OF CHAIRMAN AND VICE CHAIRMAN (INCOMING BOARD ONLY)****X. CONSIDERATION AND ADOPTION OF THE RULES OF PROCEDURE (INCOMING BOARD ONLY)**

1. Rules of Procedure

XI. COMMUNICATIONS AND REPORTS (INCOMING BOARD ONLY)**XII. GENERAL COMMENTS FROM PUBLIC (LIMITATIONS: SIX (6) MINUTES PER SPEAKER WITH EXTENSIONS IN TWO (2) MINUTE INCREMENTS AS APPROVED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT)****XIII. GENERAL COMMENTS FROM BOARD MEMBERS (INCOMING BOARD ONLY)****XIV. ANNOUNCEMENTS****XV. ADJOURNMENT**



CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JANUARY 21, 2016

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

1. CALL TO ORDER

Chairman Ligh called the meeting to order at 7:13 PM.

2. PLEDGE TO THE FLAG (US AND TEXAS)

Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).

Chairman Ligh led the public and the Board in the pledges to both flags.

3. CERTIFICATION OF A QUORUM

Chairman Ligh certified that a quorum was present, consisting of the following members:

| Attendee Name | Title | Status | Arrived |
|-------------------|----------------|---------|---------|
| Patty McGinty | Board Member | Present | |
| Amar Raval | Vice Chairman | Present | |
| Tom Ligh | Chairman | Present | |
| Debbie Karakowsky | Board Member | Present | |
| Samir Sinha | Board Member | Present | |
| William Stone | Board Member | Absent | |
| Seth A. Miller | Board Member | Present | |
| Alan P. Petrov | City Attorney | Present | |
| John McDonald | Director | Present | |
| Ashley Parcus | Secretary | Present | |
| Gus E. Pappas | Council Member | Absent | |

4. APPROVAL OF MINUTES

- Board of Adjustment - Regular Session - Dec 17, 2015 7:00 PM

Chairman Ligh pointed out a few scrivener's errors.

| | |
|------------------|-------------------------------------------------|
| RESULT: | APPROVED AS CORRECTED [UNANIMOUS] |
| MOVER: | Amar Raval, Vice Chairman |
| SECONDER: | Debbie Karakowsky, Board Member |
| AYES: | McGinty, Raval, Ligh, Karakowsky, Sinha, Miller |
| ABSENT: | Stone |

5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING

There were no reports.

6. UNFINISHED BUSINESS

1. Discussion, consideration, and possible action on the Board of Adjustment's 2015-2016 Rules of Procedure.

The Board voted to keep the Rules of Procedure tabled due to Board Member Stone's absence.

| | | |
|------------------|-------------------------------------------------|--------------------------------|
| RESULT: | TABLED [UNANIMOUS] | Next: 5/19/2016 7:00 PM |
| MOVER: | Seth A. Miller, Board Member | |
| SECONDER: | Amar Raval, Vice Chairman | |
| AYES: | McGinty, Raval, Ligh, Karakowsky, Sinha, Miller | |
| ABSENT: | Stone | |

7. READING OF THE STANDARDS FROM SECTION 24-704, BELLAIRE CODE OF ORDINANCES

Chairman Ligh explained that there were no applications before the Board, therefore, the standards did not need to be read.

8. NEW BUSINESS

1. Approval of the Board of Adjustment's 2015 Annual Report to City Council.

Chairman Ligh explained that the first draft of the report did not address the questions listed in Section 2-104 of the Code of Ordinances, and therefore he had revised it after the packet was sent out. He mentioned that he also added a paragraph regarding the Texas Local Government Code's quorum requirements versus the City's quorum requirements, and how Council may want to look into changing the City's language to match that of the Texas Local Government Code.

Motion: a motion was made by Board Member Miller and seconded by Board Member Sinha to table the Annual Report until after item 8. 2., Quorum Requirements, had been discussed.

Vote: the motion carried on a unanimous vote of 6-0.

After voting on item 8.2, a motion was made by Board Member Miller and seconded by Board Member McGinty to take the Annual Report off the table.

Vote: the motion carried on a unanimous vote of 6-0.

The board members asked that the last paragraph of the report be amended to specifically identify the provision of the Texas Local Government Code that Bellaire's Code of Ordinances needs to mimic.

Motion: a motion was made by Vice Chairman Raval and seconded by Board Member Miller to approve the report as amended.

Vote: the motion carried on a unanimous vote of 6-0.

Minutes Acceptance: Minutes of Jan 21, 2016 7:00 PM (Approval of Regular Meeting Minutes (Outgoing Board only))

| | |
|------------------|-------------------------------------------------|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Amar Raval, Vice Chairman |
| SECONDER: | Seth A. Miller, Board Member |
| AYES: | McGinty, Raval, Ligh, Karakowsky, Sinha, Miller |
| ABSENT: | Stone |

2. Discussion of Section 2-112, Board of Adjustment, (g) Quorum, of the City of Bellaire Code of Ordinances.

Chairman Ligh explained that the City's quorum requirements for the Board are more stringent than the Texas Local Government Code. He added that under the City's code the Board may not call the meeting to order or vote on the Annual Report without 6 members of the Board present. Chairman Ligh suggested that the City language be changed to mimic that of the Texas Local Government Code in order to give the Board more flexibility with regard to simple business.

Vice Chairman Raval asked for clarification that this amendment would allow the Board to meet and transact regular business with 4 members rather than 6.

Mr. McDonald confirmed this, and explained that he would go ahead and schedule it for Council action if the Board would like to move forward with the amendment.

Attorney Petrov pointed out that it would be a fairly simple change to the City code to modify the language for that section to track the statutory language of the Texas Local Government Code.

Board Member Miller asked what provision it is under the Texas Local Government Code.

Attorney Petrov stated that it is 211-008(d).

Motion: a motion was made by Vice Chairman Raval and seconded by Board Member McGinty to ask City Council to amend the language in Section 2-112(g) of the City of Bellaire Code of Ordinances to mimic that of Section 211.008(d) of the Texas Local Government Code.

Vote: the motion carried on a unanimous vote of 6-0.

9. GENERAL COMMENTS

(Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).

There were no general comments.

10. GENERAL COMMENTS FROM BOARD MEMBERS

There were no comments or announcements from Board Members.

11. ANNOUNCEMENTS

Mr. McDonald reminded the Board that there is a Parliamentary Training Session taking place in La Porte that the Board is invited to attend. He asked that board members RSVP to City Staff, and mentioned that a City van could be taken if there was anyone who wished to

car pool. Mr. McDonald also stated that there will most likely be general board training on an upcoming agenda of the Board.

12.ADJOURNMENT

Motion: a motion was made by Board Member Miller and seconded by Board member McGinty to adjourn the Regular Meeting.

Vote: the motion was carried on a unanimous vote of 6-0.

The meeting was adjourned at 7:37 PM.

Minutes Acceptance: Minutes of Jan 21, 2016 7:00 PM (Approval of Regular Meeting Minutes (Outgoing Board only))

Board of Adjustment

Council Chambers, First Floor of City
Hall
Bellaire, TX 77401



Meeting: 07/21/16 07:00 PM
Department: Development Services
Category: Policy
Department Head: John McDonald
DOC ID: 1977

**SCHEDULED
ACTION ITEM (ID # 1977)**

Item Title:

Rules of Procedure

Background/Summary:

The Board is required to adopt the Rules of Procedure at the beginning of each new term.

The Rules were temporarily adopted on July 16, 2015, in order to give the new Board Members additional time for review. The December 17, 2015 meeting agenda included an item for the consideration of proposed changes to the Rules of Procedure. After a brief discussion, the Board voted to table the item in order to receive additional information from City Staff. Therefore, if the Board wishes to further discuss the proposed changes during the July meeting, this item must first be taken from the table.

A copy of the current Rules are attached, as well as the proposed changes provided by Former Chairman Tom Ligh and Board Member Bill Stone.

ATTACHMENTS:

- Rules of Procedure 2015 (PDF)
- BOA Rules for possible revision by Bill Stone (PDF)
- BOA Rules Revision for Consideration-Tom Ligh (PDF)

RULES
OF
PROCEDURE
FOR THE
BOARD OF
ADJUSTMENT
CITY OF BELLAIRE, TEXAS

Adopted
July 2015

Attachment: Rules of Procedure 2015 (1977 : Rules of Procedure)

RULES OF PROCEDURE FOR THE BOARD OF ADJUSTMENT

CITY OF BELLAIRE, TEXAS

Adopted – July 2015

City of Bellaire
7008 South Rice Avenue
Bellaire TX 77401-4411
Tel - 713/662-8222
Fax - 713/662-8212
Web Page - <http://www.bellairetx.gov>
E-Mail – aparcus@bellairetx.gov

Board of Adjustment July 2015 - June 2016

Tom Ligh, Chairman
Amar Raval, Vice Chairman
Patty McGinty
Seth Miller
Debbie Karakowsky
Bill Stone
Samir Sinha

Staff

ChaVonne Sampson - Staff Liaison
Ashley Parcus - Secretary

City Council Liaison

Andrew Friedberg

Attachment: Rules of Procedure 2015 (1977 : Rules of Procedure)

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ARTICLE I Name and Authority

The name of this body is the Board of Adjustment pursuant to state and local law. The Board is authorized within the statutory guidelines contained in Sections 211.008 - 211.011, of the Texas Local Government Code and Chapter 2, Administration, of the City of Bellaire Code of Ordinances.

ARTICLE II Membership

Membership to the Board of Adjustment is by appointment made by the Mayor and the City Council of the City of Bellaire, Texas pursuant to Section 24-303 Planning and Zoning Regulations of the City of Bellaire, Texas as amended. The membership of the Board of Adjustment is seven (7) members, each with a two year term alternatively, such that four (4) members are appointed to a two (2) year term in one year and three (3) members are appointed to a two (2) year term in the following year. Vacancies shall be filled by the Mayor and City Council as necessary.

ARTICLE III Officers

Section A. Officers Named: The officers shall be Chairman and Vice-Chairman. The Board shall elect the Chairman and Vice-Chairman at the first meeting of a newly appointed Board pursuant to Section 24-303(d) of the Code of Ordinances of the City of Bellaire.

Section B. Chairman's Duties: The Chairman is the Presiding Officer and Spokesperson for the Board. The Chairman may delegate Board business from time to time.

Section C. Vice-Chairman's Duties: The Vice- Chairman shall serve as Chairman in the absence of the Chairman.

ARTICLE IV Meetings

Section A. Quorum Requirement: A quorum of the Board shall be a majority of the Board [or four (4) members of a seven member Board] provided however, that if docket items and/or cases before the Board are heard, the quorum for such item shall be not less than 75% [or six (6) members of a seven (7) member Board] of the Board pursuant to Section 211.008 (d) of the Texas Local Government Code.

Section B. First Meeting of a New Board: The first meeting of a new Board shall be a joint meeting of the outgoing (old) Board and the incoming (new) Board. The outgoing Chairman shall call the meeting to order and shall preside until the new chairman is elected. There shall be no Docket Items for any variance, appeal, or exception on the agenda for this meeting. The outgoing Board shall approve the minutes of all previous meetings. The incoming Board shall adopt temporary or permanent Rules of Procedure and such rules shall take effect immediately and remain in effect until amended as outlined in **Article VIII - Amendments to Rules of Procedure**. Said Rules may be adopted "As Is" or adopted "As Amended" by a majority vote [that's four (4) or more votes] of the Board. All other amendments shall be adopted pursuant to **Article VIII - Amendments to Rules of Procedure**. The Agenda for the meeting shall be as follows:

1. Call to Order [by outgoing Chairman]
2. Pledge to the Flag [US and Texas]
3. Certification of a Quorum [outgoing and incoming Board]
4. Approval of minutes [outgoing Board only]
5. Communications and Reports [outgoing Board only]
6. Unfinished Business [outgoing Board only]
7. Swearing In of New Board Members [incoming Board assumes duties and outgoing Board retires]

8. Introduction of incoming Board members
9. Election of Chairman and Vice-Chairman [incoming Board only]
10. Adoption of Rules of Procedure [incoming Board only]
11. Communications and Reports [incoming Board only]
12. General Comments from the Public [**Limitations:** Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board members present].
13. General Comments from Board members [incoming Boards]
14. Announcements (if any)
15. Adjournment

Section C. Regular Meetings: Regular meetings of the Board of Adjustment shall be held at 7:00 P.M. on the third Thursday of each month in the Council Chambers of the City of Bellaire, 7008 South Rice Avenue, Bellaire Texas.

Section D. Special Meetings: Special meetings may be called by the Chairman or any two members of the Board, of which notice shall be given in conformity with the Texas Open Meetings Act and procedures of the City of Bellaire, Texas.

Section E. Open Meetings Act: All meetings shall comply with the Texas Open Meetings Act pursuant to Chapter 551, Texas Government Code.

Section F. Adding Agenda Items: Agenda items may be added by the Staff Liaison, the Chairman or any two members of the Board not later than 12:00 noon on the seventh (7th) calendar day prior to a meeting.

Section G. Sign-Up Form for Speakers: There shall be Sign-Up Forms for the purpose of permitting members of the public to address agenda items. Such forms shall be available to the public and forwarded to the Secretary and to the Chairman so that such person's names may be called to address the Board at the appropriate time. All testimony shall be given under oath.

Section H. The Agenda: Except as provided in Section B of this Article, the Agenda at all regular and special meetings of the Board shall be as follows:

1. Call to Order
2. Pledge to the Flag (US and Texas)
3. Certification of a Quorum
4. Approval of Minutes
5. Reports from Officers, Committees, Sub-committees and Communications Board Members have had outside the meeting
6. Unfinished Business
7. Reading of the Standards from Section 24-704, Bellaire Code of Ordinances.
8. New Business - Public Hearings on Docket Item for a Variance, Appeal or Exception [**Repeated and sequentially numbered for each Docket Item considered at each meeting.**
 - a) Presentation by Applicant, Appellant, Property Owner, Counsel or other Agent [**Limitations:** Fifteen (15) minutes with extensions in five (5) minute increments as approved by a majority vote of the Board members present].
 - b) Presentation by the City [**Limitations:** Fifteen (15) minutes with extensions in five (5) minute increments as approved by a majority vote of the Board members present].
 - c) Public comments on Docket Item [**Limitations:** Names of those desiring to comment shall come from sign-up list and shall be limited to six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board members present].
 - d) Rebuttal by Applicant, Appellant, Property Owner, Counsel or other Agent. [**Limitations:** Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board members present].
 - e) Questions by Board [**Limitations:** The Board may ask germane questions of the Applicant, Appellant, Property Owner, Counsel or other Agent, and/or City Staff].
 - f) Consideration of, deliberation by and action on Docket Item by the Board [**Requires** 75% or six (6) affirmative votes for approval pursuant to Section 211.009(c), Texas Local Government Code].

General Comments from the Public [**Limitations:** Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board members present].

General Comments from Board members

Announcements (if any)

Adjournment

Section I. Motions in the Affirmative: All motions on final disposition of a Docket Item shall be in the affirmative.

Section J. Previous Question: A motion to move the Previous Question (close debate) shall be in order following a reasonable time for deliberation. Such motion shall require a second and a two-thirds (2/3) vote for passing.

Section K. Revising the Order of the Agenda During a Meeting: The order of the Agenda may be amended following Item three (3), by a simple majority vote of the Board.

Section L. Withdrawal of Application: Any appellant or applicant may request that his or her appeal or application be withdrawn at any time prior to a final vote or disposition by the Board. Such request shall be granted by the Board.

Section M. Parking Study Required: Any applicants that request a Variance or Special Exception from Chapter 24, Section 514 and/or 514a of the City of Bellaire Code of Ordinances must submit with their application a "parking demand analysis". This analysis along with the complete parking plan that is to be presented to the board must be given to the City of Bellaire ten days in advance of the board meeting for their review. In the event the Board of Adjustment or the applicant wishes to revise the proposal at or before the hearing, the City of Bellaire may request and receive the right to delay the process until the next board meeting to review the changes.

ARTICLE V Docket Items

Section A. Numbering Docket Items: Each appeal or application for variation or modification filed in proper form with the required data and fees, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board by the Secretary thereof. The docket numbers shall begin anew on January 1 of each year, and shall be hyphenated with the number of the year in which the said appeal or application is filed pursuant to Section 24-303 of the Bellaire Code of Ordinances.

Section B. Timing of Docket Items: All cases docketed more than fifteen (15) days next preceding a regular meeting day, and which the Texas Open Meeting Act requirement has been complied with, shall be automatically set for hearing on the succeeding regular meeting day. Cases docketed within fifteen (15) or fewer days of the regular meeting day shall be set for hearing on the second regular meeting day after docketing of the appeal or application.

Section C. Method of Appeal: Each appeal to the Board from an order, decision or determination of the City Building Official or designee or application for variation or modification of any of the provisions of the Zoning Regulations and all other applicable communication concerning Board business shall be made in writing to the Secretary of the Board.

Section D. Time Limitations of Order or Relief Granted: Unless otherwise modified by the Board, if any application for variation or modification is granted by the Board, the variance order shall include a requirement that all permits necessary for the prosecution of the work shall be obtained within one (1) year and construction begun within two (2) years of the order by the Board. The application form shall contain a notice of this section. The Board may modify this requirement.

Section E. Notification: The Order notifying the appellant or applicant shall also notify same of their appeal right to State District Court pursuant to Section 211.011, Texas Local Government Code, within ten (10) days of the date of the order is filed in the Board office.

Section F. Precedents: No action of the Board of Adjustment shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

Section G. Advice and Moot Questions: No formal requests for advice, or moot questions will be considered by the Board. Any advice, opinion or information given by any Board member or the Secretary or any other official or employee of the City of Bellaire shall not be binding on the Board.

Section H. Fees: All Applicants and Appellants shall pay a non-refundable application fee set by the City of Bellaire to the Secretary of the Board.

Section I. Application for Re-Hearings: No application or appeal to the Board shall be permitted on substantially the same subject matter in reference to the same property prior to the expiration of twelve (12) months from an order of the Board. No application or appeal shall be allowed on substantially the same subject matter in reference to the same piece of property during litigation against the City of Bellaire and/or the Board of Adjustment on said property.

Section J. Disposition: In the final disposition of any appeal or application for variation or modification, the decision shall affirm, modify or reverse the refusal of a permit by, or any order or decision of the City Building Official. In case of an application for variation or modification the decision shall set forth that the application is denied or that it is granted with or without conditions. The vote of each member present on each decision shall be by record vote.

Section K. The Lack of a Quorum for a Variance Hearing: In the event that the Appellant, Applicant, Property Owner, Counsel, or other Agent is present at the scheduled hearing, but the Board of Adjustment is lacking a quorum for the hearing, the hearing shall be rescheduled without any penalties for the appellant or applicant and no additional application fee shall be imposed.

ARTICLE VI Definitions

Appeal: A process to permit a request for relief through application by a person aggrieved by a decision of the City Building Official pursuant to Bellaire's Planning and Zoning Regulations.

Appellant: A person aggrieved by a decision made by the City Building Official affected by the decision, who appeals in person or through his designated representative for relief to the Board of Adjustment.

Applicant: A person who requests in person or through his designated representative, either a special exception to the terms of Bellaire's Planning and Zoning Regulations or a request for a variance from the terms of Bellaire's Planning and Zoning Regulations.

Application: An appeal or a request for a variance or a special exception in writing specifying the grounds for an appeal contained in a standardized form issued by the City Building Official.

Board of Adjustment: A public and quasi-judicial body charged with the duty to hear and determine zoning appeals, special exceptions and variances pursuant to Section 211.009 of the Texas Local Government Code and Section 24-303 of the Bellaire Code of Ordinances.

City Building Official: The person duly appointed by the City Manager of the City of Bellaire, as provided by Chapter 24 of the Bellaire Code of Ordinances, charged with the duty and obligation of issuing permits and certificates of occupancy and with the responsibility for enforcing the provisions of the Building Code and Zoning Regulations for the City of Bellaire.

Error: Refer to Section 211.009(a)(1), Texas Local Government Code.

Hardship: A determination to be made by a Board of Adjustment or, in the event of its Appeal to a District Court. It is defined in Black's Law Dictionary as a condition, which may be unreasonable, unduly oppressive, arbitrary or confiscatory which, if, found to be true in the opinion of a Board of Adjustment, is grounds for the granting of a variance. The burden of proof of such hardship lies with an applicant.

Special Exception: Refer to Section 211.009(a)(2), Texas Local Government Code.

Staff Liaison: The city staff member appointed by the City Manager of the City of Bellaire to assist the Board of Adjustment.

Variance: Refer to Section 211.009(a)(3), Texas Local Government Code.

Zoning: A power over land use granted to a city pursuant to Chapter 211, Texas Local Government Code, for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

ARTICLE VII Civil and Parliamentary Authority

Section A. Construction of Authority: The construction of authority in all matters associated with the Board of Adjustment, including the Agenda, shall be: **1)** the Constitution and statutes of the United States of America; **2)** the Constitution and statutes of the State of Texas; **3)** the Charter of the City of Bellaire; **4)** the Code of Ordinances of the City of Bellaire; **5)** these Rules of Procedure; and **6)** Robert's Rules of Order, Newly Revised.

Section B. Reference to State and Local Statutes: The conduct and scope of activity of the Board of Adjustment is governed by and subject to State and local laws including, but not limited to, Chapters 211, 213 and 216, Texas Local Government Code, Chapters 551 and 552, Texas Government Code, the Charter of the City of Bellaire, Texas, and Chapter 2, Administration of the City of Bellaire Code of Ordinances.

Section C. Parliamentary Authority: The Rules contained in the most recent edition of Robert's Rules of Order, Newly Revised shall govern the Board of Adjustment in all cases in which they are applicable and not inconsistent with a superior authority.

ARTICLE VIII Amendments to Rules of Procedure

Section A. Amendments by Existing Board: These Rules of Procedure may be amended by a majority vote of the entire Board of Adjustment provided previous notice is given at one meeting in advance of any such consideration, and further provided, that an amendment to bring these Rules of Procedure in compliance with a superior statute, rule, procedure or other authority may be considered without previous notice.

Section B. Annual Review: These Rules of Procedure shall be reviewed not less frequently than annually. The adoption of these Rules of Procedure by a New Board shall not constitute such review.

ADOPTION OF RULES OF PROCEDURE

Adopted by the Board of Adjustment of the City of Bellaire on the 16th day of July, 2015.
Attest:

Signature of Chairman

BOARD OF ADJUSTMENT MEETING
CITY OF BELLAIRE, TEXAS

December 17, 2015

AGENDA ITEM # 8 B.

Discussion, consideration, and possible action on the Board of Adjustment's 2015- 2016 Rules of Procedure.

1. Are the Parking Study, the “parking demand analysis”, and the complete parking plan all the same thing? If so, we should change the Rules of Procedure and call it one thing.
2. If they are indeed different, then no change is necessary.
3. Is the parking section really needed? It really has nothing to do with the rules of our Board. And for that matter, Section L seems to not be needed as it has nothing to do with the BOA’s rules, and how we proceed. It seems more like a function of city staff and what the Applicant has to do with the City rather than what our Board does, and our rules that deal with our meeting(s).
4. It appears that the current BOA Rules of Procedure are a blend of how our Board operates plus what an Applicant does once an application is submitted. I am not sure that we should have Rules of Procedure that include how an Applicant submits an Application, and so, maybe we should make an effort to revise the Rules so that they only deal with what our Board does and handles our meetings.

Bill Stone
Member of Board of Adjustment
July 2015 – July 2017

Attachment: BOA Rules for possible revision by Bill Stone (1977 : Rules of Procedure)

Submitted by Tom Ligh

Rules of Procedure

Revision Considerations

Article VI definitions

Should the following definition replace the current verbiage?

Error: Refer to Section 211(a)(1), Texas Local Government Code.

(Section 211(a)(1) of the Texas Local Government code: The board of adjustment may: Hear and decide an appeal that alleged error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter.)

Error: An alleged error in an order, requirement, decision, or determination made by an administrative official in the enforcement of a zoning code(s).

Special Exception: Refer to Section 211.009(a)(2), Texas Local Government Code.

(Section 211.009(a)(2) of the Texas Local Government Code: Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so.)

Should the following definition replace the current verbiage?

Special Exception: A special exception to the zoning code.

Variance: Refer to Section 211.009(a)(3), Texas Local Government Code.

(Section 211(a)(3) of the Texas Local Government Code: Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to specific conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done.)

Should the following definition replace the current verbiage?

Variance: A deviation from the code of zoned property.