

MEMO



Special Meeting: January 12, 2015

To: Zoning Board of Adjustment

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Request: Clarification on the vote of the Zoning Board of Adjustment at its regular meeting held at 1:30 PM Monday, January 5, 2015

RE: Resolution amending Section 5.10 of the By-Laws of the Zoning Board of Adjustment

Background:

On Monday, January 5, 2015, the Zoning Board of Adjustment met to consider the adoption of a Resolution by the City of San Angelo Zoning Board of Adjustment amending the by-laws of the Zoning Board of Adjustment, more specifically by amending Article 5, entitled "Conduct of Meetings," more particularly by amending Section 5.10 in order to allow the orderly submission and reasonable opportunity for Board member review of documents prior to an appeal hearing; providing that the Board may act only upon evidence properly admitted into the record; and providing for an effective date of this by-law amendment.

At the end of the public hearing, the Zoning Board of Adjustment voted 3-2 to approve the above-stated Resolution. It was incorrectly stated by Staff, however, that a "supermajority" vote (i.e. 4 members voting similarly) was

required in order to approve the item. As a result, it was declared by the Board that the Resolution did not pass.

Upon further examination of Article 13 of the By-Laws of the Zoning Board of Adjustment of the City of San Angelo, Section 13.01 states the following:

13.01 Amending By-Laws. These rules may be amended at any regular or special called meeting of the Zoning Board of Adjustment, by a majority of a quorum of board members present, provided that each of the following conditions is met:

- a. Such amendment will not be contrary to any requirement or limitation set by State law or City ordinance.
- b. Notice of said proposed amendment is furnished to each member, in writing, at least seven days prior to said meeting.

Because only a majority of a quorum of the Board members is required to pass amendment to the By-Laws of the Zoning Board of Adjustment, and the vote on the item was 3-2 in favor of approving the Resolution, the motion was passed, and the item was therefore approved.

As a result, a Special Meeting of the Zoning Board of Adjustment is required in order to provide clarification on the Board's January 5, 2015, vote for the adoption of the Resolution.

Attachment: Article 13 of the By-Laws of the Zoning Board of Adjustment

BY-LAWS OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF SAN ANGELO

Article 13. Amending or Waiving These By-laws

13.01 Amending By-Laws. These rules may be amended at any regular or special called meeting of the Zoning Board of Adjustment, by a majority of a quorum of board members present, provided that each of the following conditions is met:

- a. Such amendment will not be contrary to any requirement or limitation set by State law or City ordinance.
- b. Notice of said proposed amendment is furnished to each member, in writing, at least seven days prior to said meeting.

13.02 Waiving By-Laws. A rule of procedure may be suspended at any meeting by a majority vote of all board members present, unless such rule is set by State law or City ordinance.