

BOARD OF ADJUSTMENT

RULES OF PROCEDURE ADOPTED FEBRUARY 26, 1931

Article I. Meetings

- price each 6 mos. or all  
Does not comply  
hour*
1. Meetings of the Board of Adjustment shall be held on the fourth Tuesday of each month if there is any business to transact.
  2. Special meetings shall be held at the call of the chairman and at such other times as such board may determine.
  3. All meetings shall be open to the public.
  4. A quorum of the Board of Adjustment shall consist of four members.
  5. The members of the Board shall attend the meetings in person.
  6. The Board shall keep minutes of its proceedings showing the vote of each member on every question, of if absent or failing to vote, indicating such fact, and it shall also keep records of its examinations and other official actions.
  7. The concurring vote of a majority of the board shall be necessary to reverse any order, requirements, decision or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass under the Zoning Ordinance, or to effect any variation therein. Such an appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the city. Such appeal shall be taken within fifteen days after the date of the decision of the Building Inspector, by filing with the Building Inspector from whom the appeal is taken and with the Board of Adjustment a notice of appeal, specifying the grounds thereof.

Article II. Cases Before the Board

1. Every application under the Zoning Ordinance shall be made to the Board on the forms specially provided, and shall include the data required in such forms, so as to supply all the information necessary for a clear understanding and intelligent action by the Board.
2. Any communication purporting to be an application, appeal or petition shall be regarded as a mere notice of intention to seek relief until it is made in the form required.
3. Upon receipt of any such communication the writer shall be supplied with the proper forms for presenting his application appeal or petition, and if he fails to supply the required data within the time provided for appeal, his case may be dismissed for lack of prosecution.

### Article III. The Calendar

1. Each case filed in the proper form, with the required data, shall be numbered serially, regardless of whether it be an application or appeal, and shall be placed on the Secretary's calendar. The calendar numbers shall begin anew on January 1st of each year, and shall be hyphenated with the number of the year and the initials indicating the character of the case. Thus the calendar number of an application under the Zoning Ordinance will be, for example, 210-31-Z; an appeal from any order, requirement, decision or determination of the Building Inspector, 211-31-A.

2. So soon as a case receives a calendar number, it shall be put on the Secretary's calendar and the applicant or appellant shall be notified of the date when his case will be reached in the call of the calendar.

### Article IV. Final Disposition of Cases

1. Every decision of the Board on any case shall be by resolution.

2. The final disposition of any application or appeal before the Board shall be in the form of a resolution either reversing or modifying the order, requirement, decision or determination appealed from and granting the application or appeal. The concurring vote of three members shall be necessary to a decision. If a resolution fails to receive three votes in favor of the applicant or appellant, the action will be deemed equivalent to a denial, and shall be formally entered on the record as such, unless there be a member absent at the roll call and unless the vote of such member added to the number voting for the applicant or appellant would equal three, in which case the matter will be laid over for hearing before the full Board.

3. No application or appeal dismissed or denied can be considered again except (1) on a motion to reconsider the vote, or (2) on a request for a rehearing. No request to grant a rehearing can be entertained unless new evidence is submitted which could not be presented at the previous hearing. If, on motion of a member of the Board, adopted by three affirmative votes, the request for a reconsideration or rehearing is granted, the case shall be put on the calendar for a reconsideration or a rehearing.

The Board may, on the motion of any member, review any decision that it has made, and may reverse or modify such decision, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

#### Article V. Zoning Applications

1. No application for a variation from the course prescribed by the Zoning Ordinance shall be heard by the Board except in a specific case, and from an order, requirement, decision or determination made by the Building Inspector on the ground that the proposed plan or use is contrary to the provisions of the Zoning Ordinance.

2. No such application shall be entertained unless the application is filed within fifteen days after the date of the action of the Building Inspector.

3. So soon as any application is completed by the filing of the necessary data the Board shall fix a reasonable time for the hearing and give due notice thereof to the parties.

4. At the time of the public hearing the applicant shall state his case, then the opposition shall be heard and the applicant shall have opportunity to reply.

5. No application that has been dismissed or denied can be entertained in a case in which the applicant, by the filing of new plans, has obtained a new decision from the Building Inspector, unless the new plans materially change the aspects of the case.

#### Article VI. Appeals

1. No appeal from any order, requirement, decision or determination of the Building Inspector or from any rule or regulation relating to the construction, alteration, structural changes in, equipment, occupancy or use of any building or structure, shall be heard unless such appeal is filed, with all necessary data and information, within fifteen days after the date of the action of the Building Inspector that is appealed from.

#### Article VII. Adoption of Rules

1. Amendments to these Rules of Procedure may be made by the Board at any regular meeting upon the affirmative vote of three members. The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present.

#### Article VIII. Officers

1. The chairman shall preside at meetings. Once in each year, at the first meeting in February, the Board shall elect one of its members as vice-chairman, to preside at meetings during the absence or disability of the chairman.

2. The chairman, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Board in session at that time.

3. The Secretary, who shall not be a member of the Board, shall be appointed by the Board. He shall be the technical advisor and custodian of the records and shall conduct official correspondence, and generally supervise the clerical and technical work of the Board.