



**City of West University Place**  
**APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF THE**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")**

**Address of site:**

**Legal description of the site:**

**Applicant:**

**Address:**

**Contact:**

**Phone:**

**Fax:**

**Email:**

**Decision or Action Requested (check one or more and provide requested data):**

( ) **Appeal.** Hear and decide an appeal from an order, requirement, decision or determination made by the Administrative Official.

- Is the official's action in writing? ( ) Yes; ( ) copy is attached. ( ) No, but the action appealed is as follows:

- When was the action taken? Note: Appeals must be filed within a reasonable time. Please explain any delay below:

- Exact zoning ordinance section(s) involved:
- Grounds for appeal:

( ) **Special Exception.**

- Exact zoning ordinance section that authorizes the special exception:
- Exact wording of special exception requested:

( ) **Variance.**

- Exact zoning ordinance section from which a variance is requested:
- Exact wording of variance requested:

**Other Data.** Are there drawings or other data? ( ) No ( ) Yes (*list items here and attach them*)

**Attached.** The applicant has read the State and City regulations attached.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**For Staff Use only** Date filed: \_\_\_\_\_ Date heard: \_\_\_\_\_ Docket#: \_\_\_\_\_

## REQUIREMENTS FOR ZONING BOARD OF ADJUSTMENT APPLICANTS

The following is a list of required and suggested exhibits for presentation to the Zoning Board of Adjustment:

Required exhibits and the application for appeal must be presented to the City at least 20 days prior to the scheduled meeting date, and should include:

1. Proof of ownership of the property in question (Title Policies, Warranty Deeds, Deeds of Trust, etc.)
2. Survey showing all existing structures with dimensions of the structures and distances from the property lines. Sealed by a registered surveyor in the State of Texas. Plot plan showing proposed work requiring relief.
3. Written narrative describing request and reason why it should be granted. (Explanations of hardships or special conditions.)
4. Must provide (16) sets of all documentation. (An "original set" and 15 "copy sets").

*Applicant or a designated representative must appear at the hearing to present all evidence required by the Board and answer questions that may arise.*

The following items are suggested to aid in making a complete presentation, in order for the Board to make a knowledgeable decision regarding your application.

1. All dimensions of your property as they relate to your application.
2. All dimensions of adjacent properties as they may relate to your application and/or other properties in the block that may be pertinent to your application.
3. Photographs of your property and/or other adjacent properties to clarify your presentation.
4. Architectural scale drawings to help clarify your presentation.

Staff reports are made to the Board based upon the information submitted with the application. Any information to be submitted to the Board that was not submitted at the time of application should be provided to staff at least -10 days prior to the meeting. This will enable staff to make reports based on all the facts being presented.

The Application fee to the Zoning Board of Adjustment is \$250.00 per appeal, special exception or variance, plus a \$250.00 deposit that will go toward the required certified notifications(\$500.00 total). This must be paid at the time of submittal of the application. In addition, the remaining balance of the notification costs and recording/certified copy fees must be paid before release of final decisions. If payment IS NOT received in a timely manner after recording of decision, revocation of decision and/or non-issuance of permits may occur.

Notes:

- Applications received less than 20 days prior to the next ZBA meeting date will be scheduled for the following month's meeting agenda.
- Please contact staff prior to submitting your application packet.
- City staff must record this decision in the Real Property Records of Harris County, Texas. The decision will go into effect once the decision is recorded and payment by applicant for recording/certified copy fees are paid in full at the Board's Office (c/o Secretary of the Zoning Board of Adjustment, 3826 Amherst, Houston, Texas 77005), City of West University Place.

## **BEFORE YOU APPLY TO THE ZONING BOARD OF ADJUSTMENT ...**

Please review the information below to help determine if it will be worth the time and money you will invest in this process.

- **What is the Zoning Board of Adjustment?**

The Zoning Board of Adjustment is composed of West University residents, who are appointed by the City Council to serve for two-year terms.

The Board is a quasi-judicial body that does not make policy - City Council does. It hears requests for variances and special exceptions, as well as, assists in interpreting the zoning ordinance when requests are made by persons who disagree with the Administrative Officials interpretations.

The Board must abide by the mandates of the State Law and the ordinances of the City of West University Place, which both grant and place limits on its powers. Even in cases where a decision of the Board is reviewed by a state district court, mistakes of law are the issue; evidence is not reheard.

- **For what reasons are variances granted?**

Variances may be granted in special circumstances only when all of the following are established:

1. The variance is not contrary to the public interest
2. A special condition exists for which enforcement of the ordinances would present unnecessary hardship
3. The spirit of the ordinance is preserved.

For additional information or questions regarding your application, please contact the Community Division at 713-662-5833.

- **Have you filled out your application correctly?**

Please call the Community Division at 713-662-5833 to schedule a meeting before making copies of your submittal packet. This will ensure that you do not encounter any delays in meeting the submittal deadline and ensure the application and packet information is correct.

# ZONING BOARD OF ADJUSTMENTS

## MEETING/DEADLINE DATES 2021-2023

All meetings begin at 6:30 p.m. and are held in the Bill Watson Conference Room located in the Municipal Building at 3800 University Boulevard unless otherwise directed by the official posted agenda. These dates do not include any special meetings, workshops or joint hearings that may be called from time to time.

**Applications must be submitted by 12:00 p.m.**

### Meeting Dates

September 23, 2021  
October 28, 2021  
November 18, 2021  
December 16, 2021  
January 27, 2022  
February 24, 2022  
March 24, 2022  
April 28, 2022  
May 26, 2022  
June 23, 2022  
July 28, 2022  
August 28, 2022  
September 22, 2022  
October 27, 2022  
November 17, 2022  
December 15, 2022  
January 26, 2023  
February 23, 2023  
March 23, 2023  
April 27, 2023  
May 25, 2023  
June 22, 2023  
July 27, 2023  
August 24, 2023  
September 28, 2023  
October 26, 2023  
November 16, 2023  
December 21, 2023

### Deadline Dates

September 2, 2021  
October 7, 2021  
October 28, 2021  
November 25, 2021  
January 6, 2022  
February 3, 2022  
March 3, 2022  
April 7, 2022  
May 5, 2022  
June 2, 2022  
July 7, 2022  
August 4, 2022  
September 1, 2022  
October 6, 2022  
October 27, 2022  
November 24, 2022  
January 5, 2023  
February 2, 2023  
March 2, 2023  
April 6, 2023  
May 4, 2023  
June 1, 2023  
July 6, 2023  
August 3, 2023  
September 7, 2023  
October 5, 2023  
October 27, 2023  
November 24, 2023

## **TEXAS LOCAL GOVERNMENT CODE SECTION 211.009**

### **AUTHORITY OF THE BOARD**

- (a) The board of adjustment may:
- (1) hear and decide an appeal that alleges 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;
  - (2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
  - (3) 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 special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
  - (4) hear and decide other matters authorized by an ordinance adopted under this subchapter.
- (b) In exercising its authority under Subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.
- (c) The concurring vote of 75 percent of the members of the board is necessary to:
- (1) reverse an order, requirement, decision, or determination of an administrative official;
  - (2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
  - (3) authorize a variation from the terms of a zoning ordinance.

## **CITY CODE OF ORDINANCES-APPENDIX A**

### **ARTICLE 11. - VARIANCES AND SPECIAL EXCEPTIONS**

#### **Section 11-100. - General.**

- (a) **Variances** . The ZBA may grant variances only in those instances specifically allowed by state law, subject to any limitations prescribed by this ordinance. In connection with the issuance of any variance, the applicant and the ZBA must comply with state law and this article.
- (b) **Special exceptions** . The ZBA may issue special exceptions only in those instances specifically allowed by this ordinance. In connection with the issuance of any special exception, the applicant and the ZBA must comply with this article.

Section 11-101. - Procedures.

(a) Pre-application briefing . This subsection only applies to: (i) applications for special exceptions referred to in Table 7-1, and (ii) other applications which the administrative official determines could have a significant effect upon nearby properties. Before filing such an application, the applicant must give notice and conduct a public briefing. Notices must be mailed to: (i) all owners of property located in whole or in part within 200 feet of the site, (ii) all City utility ratepayers for premises located in whole or in part within 200 feet of the site, (iii) the City Secretary, and (iv) the administrative official. Notices must be mailed no later than the 10th day preceding the date of the briefing. The briefing must be open to the public and held within one mile of the site. At the briefing, the applicants must: (i) describe the proposed structures and uses, the application documents and the application process, (ii) describe the possible alternative locations and designs and state why they were rejected, (iii) solicit suggestions from persons at the meeting, and (iv) keep detailed written minutes showing the names and addressees of all persons notified, all attendees and a synopsis of the matters discussed.

(b) Application . The applicant for a variance or a special exception must submit to the ZBA all of the following:

(1) A written application signed by the owner of the site in question and the proposed operator, if different. Exception: The administrative official may waive or modify this requirement for publicly-owned, jointly-owned or leased sites. This application must identify the specific provision of this ordinance from which a variance is requested or the specific provision which authorizes the special exception requested, as the case may be. The ZBA may prescribe the form of the applications.

(2) Proof of ownership in a form satisfactory to the ZBA.

(3) A plat prepared by a registered public surveyor showing the site in question, areas adjacent to the building site, existing structures and proposed structures. If substantially the same information is shown on any plat required by Chapter 74 of the Code of Ordinances, such plat may be accepted by the ZBA.

(4) If requested by the ZBA or the administrative official, a traffic and parking analysis conforming to requirements as to scope, format and authorship as may be prescribed by the ZBA or administrative official.

(5) Such other materials and information required by this ordinance or requested by the ZBA or the administrative official.

(6) The filing fee for the type of application question.

(c) Third-party reviews . If required by the administrative official or the ZBA, the application may be submitted to a third-party consultant, advisor or expert. Unless otherwise prescribed by the administrative official or the ZBA, the cost of such review must be paid by the applicant in advance. Such review could be requested to resolve technical or regulatory issues raised by the application, including: (i) accuracy and completeness of applications, (ii) analysis techniques and methodologies, (iii) validity of conclusions reached, (iv) other technical or regulatory issues. To provide time for such review, any hearing may be postponed or continued.

(d) Notice and hearing . Before issuing or modifying any variance or special exception, the ZBA must provide notice and an opportunity for any interested person to be heard. The notice shall be given in a form prescribed or approved by the ZBA, on or before the tenth day preceding the hearing, as follows:

(1) By mailing a copy of the notice to the owners of building sites located within the City and located in whole or in part within 200 feet of any part of the building site upon which the variance or special exception is sought, as such owners are shown on the most recent tax roll of the City.

(2) By publishing the notice in a newspaper of general circulation in the City, unless the ZBA requires that a notice be posted on the building site in question, in which case the notice shall be posted as prescribed by the ZBA.

(3) The ZBA may prescribe additional notice for hearings or rehearings of a matter for which notice is initially given as prescribed above, and if additional notice is prescribed, the ZBA may also prescribe the form and manner of giving any such additional notice.

#### Section 11-102. - Findings; burden of proof.

(a) Variances. The ZBA may not issue or modify a variance unless all of the following circumstances are present:

(1) The ZBA has made all findings and determinations required by state law for the granting of a variance. A "special condition" or "hardship" that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a variance.

(2) The ZBA has made any additional findings and determinations required by a specific provision of this section which relates to the variance.

(3) The variance has been reduced to writing and includes any conditions prescribed by the ZBA or required by this section for the variance in question.

(b) Special exceptions. The ZBA may not issue or modify a special exception unless all of the following circumstances are present:

(1) The ZBA has determined that the proposed special exception will not cause any significant increase in on-street parking, will not cause any substantial traffic congestion, will not cause any substantial increase in traffic or an unreasonable burden upon utility systems or upon any other public facility or public service.

(2) The ZBA has determined that the proposed special exception will be in harmony with the general purpose and intent of this section.

(3) If the proposed special exception involves a bar, the ZBA has found that the applicant has clearly demonstrated that there is a readiness, willingness and ability to comply with all applicable laws, rules, regulations and ordinances relating to alcoholic beverages.

(4) The ZBA has made any additional findings and determinations required by a specific provision of this section.

(5) The special exception has been reduced to writing and includes any conditions prescribed by the ZBA or required by this section for the special exception in question.

(c) Burden of proof. The applicant has the burden of presenting evidence to the ZBA and persuading the ZBA that:

- (1) Each circumstance required for a variance or special exception is present;  
and
- (2) Each required finding and determination is supported by substantial evidence.

#### Section 11-103. - Conditions; Time Period; Etc.

The ZBA may prescribe conditions in connection with any variance or special exception to the extent necessary to enable the ZBA to make any of the findings or determinations necessary for the granting or issuance of the variance or special exception or to the extent otherwise necessary to minimize or diminish any adverse effects of the variance or special exception. Variances and special exceptions may be issued for a temporary period. All variances and special exceptions shall remain subject to the regulatory jurisdiction of the City, and none shall be deemed to grant any property right or vested right of any kind.

#### Section 11-104. - Variances for old stock housing.

The ZBA may consider protection or preservation of old stock housing as a factor in determining whether the "hardship" test for a variance is met, either for such housing as it then exists or as it may be proposed to be remodeled or expanded.



**Zoning Board of Adjustment**  
**City of West University Place, Texas**

**Rules of Procedure**



**ARTICLE I**  
**Meetings**

- Section 1. Regular meetings of the Zoning Board of Adjustment (ZBA) shall be held at 6:30 PM, on the fourth Thursday of each month, except the November and December meetings, which will be held on the third Thursday so no conflict with holidays will occur. The City Manager, with concurrence from the Presiding Officer, may reschedule any meeting of the ZBA.
- Section 2. Special meetings may be called by the Presiding Officer of the ZBA.
- Section 3. Notice of all meetings shall be posted as required by the Texas Open Meetings Act, Chapter 211 of the *Texas Local Government Code*, and any applicable local ordinance. Each regular member of the ZBA shall be notified in writing at least 72 hours prior to the meeting except in the case of emergency meetings, which can be called with two hours notice.
- Section 4. A quorum for hearing by the Board shall consist of four members. A lesser number may meet and reschedule, recess or adjourn a meeting or hearing.
- Section 5. If fewer than five regular members of the Board are present at a meeting, the alternate(s) to serve and vote at that meeting shall be as designated by the Mayor or City Manager. Each alternate may participate in the discussions and deliberations for each matter heard; however only the designated voting alternate(s) may vote on any matter before the board.

**ARTICLE II**  
**Applications Before the Board**

- Section 1. Each application to the Board shall be made on the standard City forms and shall be filed in the office of the Building Division, 3826 Amherst, West University Place, Texas.
- Section 2. To be considered for placement on the agenda of the next regular meeting, all required data must be received and docketed by 12 noon on the 20<sup>th</sup> day prior to the next regular meeting. The Board may reject any application not made on the prescribed form properly filled out with all required data attached.
- Section 3. Every appeal must be filed on or before the tenth regular City business day following the date the Administrative Official refuses to issue a permit, or the date the Administrative Official enters an order, ruling, decision, or determination, that

is the subject of the appeal, and the Administrative Official shall so advise the applicant in writing. Upon written motion and a showing of good cause, the Board may allow an appeal to be late-filed (after the ten-day period specified above).

Section 4. Any communication purporting to be an appeal shall be regarded as mere notice to seek relief until it is made in the form required by these rules.

### **ARTICLE III The Docket; Notices of Hearings, Etc.**

Section 1. Each application filed in proper form with the required data shall be numbered serially, docketed, dated, and placed upon the agenda of the board by the Recording Secretary. The docket numbers shall begin anew on January first of each year and shall be hyphenated with the number of the year in which the application is filed.

Section 2. All cases docketed more than 20 days preceding a regular meeting day, and for which the notice requirement can be met, shall be set for hearing on the succeeding regular meeting day. Cases docketed within 19 or fewer days of the regular meeting day, for which the notice requirements cannot be met, shall be set for hearing no later than the second regular meeting day after docketing of the application.

Section 3. Applications shall be heard in the order in which they appear on the agenda, unless the Board changes the order by motion. Action or further proceedings on an application may be suspended at any time as determined by the Board upon motion. Where all applications cannot be disposed of on the day set, the Board may adjourn from day to day, or until the next regular meeting, as it may order.

Section 4. Notice as prescribed in the Zoning Ordinance will be given to applicants or other interested parties by the Board; provided however, notice may be posted on the site of the property which is the subject of the hearing, rather than published in a newspaper.

Section 5. No informal request for advice, or hypothetical questions, will be considered by the Board. (However, the Administrative Official may seek advice or guidance from the Board by formally presenting matters to the Board at a meeting.)

### **ARTICLE IV Hearings**

Section 1. Hearings shall be held by the ZBA in the Municipal Building, or at such other place as set forth in the notice of hearing.

Section 2. All hearings shall be open to the public.

- Section 3. a. The applicant is automatically designated as a party to the case and may appear personally or be represented by agent or attorney at the hearing. In the absence of any appearance on behalf of the applicant, the Board will proceed to dispose of the matter on the record before it, or the Board may provide for a hearing at a future date, in which event it shall give verbal notice at the hearing, so that all present will be on notice of the date set for future hearing. If required by state law or city ordinance, additional notices shall be given.
- b. Other persons may be designated as parties to case, but only after filing a written motion: (i) requesting to be designated as a party, (ii) explaining how the person is affected differently from the public at large, and (iii) identifying any special statutory right to appeal. Such a motion must be filed before the start of the public hearing. If the person will be affected differently from the public at large, or if the person has a special statutory right to appeal, the Board may designate the person as a party. Designated parties may appear personally or by agent or attorney at the hearing.

- Section 4. The normal order of proceedings for hearings before the ZBA is as follows:
1. Call to order and administration of oaths to witnesses  
("I do solemnly affirm that I will testify to the truth under penalty of perjury so help me God.")
  2. Procedural Matters (designation of parties, determination of time periods of presentations, etc.).  
*Note:* The Presiding Officer may determine reasonable time limits for presentations (before questions by others). Anyone may request additional time upon a showing of need for the additional time.
  3. Presentation by the applicant
  4. Receipt of written comments, protests, etc.  
*Note:* These will be normally received for limited purposes (for example, to indicate the opinion of the writer) but not to establish facts that may be in dispute. If an objection is raised by a designated party or the Administrative Official, the Board may refuse to receive an item or receive it for other purposes.
  5. Presentations by other interested persons and other designated parties (if any)
  6. Presentation by the Administrative Official
  7. Response by the applicant (limited to issues raised by other presentations, written comments, etc.)
  8. Incorporation of testimony, exhibits, etc. into the record (followed by deliberation, decision, etc.)

- Section 5. For each witness, reasonable, oral questioning is allowed, as follows: (i) First, the presenting party may ask direct questions. (ii) Next, the other parties (if any) may ask questions. (iii) Next, the Administrative Official may ask questions. (iv) Next, the members of the Board may ask questions. (v) Finally, the presenting party may ask re-direct questions (limited to matters raised by other questions). Non-parties may submit written questions to be asked by the Presiding Officer, at the Presiding Officer's discretion.

**ARTICLE V**  
**Meeting Procedures**

- Section 1. Except as otherwise prescribed by these rules, the ZBA meetings may be conducted in accordance with *Robert's Rules of Order Newly Revised*, [10th ed.], p. 15, 1. 17-25; p. 561-62, 569; at the Presiding Officer's discretion or at the discretion of two board members.
- Section 2. Informal voice voting shall be used, unless a ZBA member requests a roll call vote. Where there is a single vote on a group of items, under circumstances where no member requests a separate vote, the vote on the group is deemed the same as a separate, identical vote on each item.
- Section 3. The Presiding Officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comments not relevant to the orderly conduct of business. The Presiding Officer shall request all speakers to keep comments brief and relevant to the question before the ZBA. All persons present in the meeting room should eschew abusive, rude or inappropriate conduct.
- Section 4. This paragraph applies to general comments in public sessions (but does not apply to comments regarding a pending case, which may only be received during the public hearing on that case). Speakers should limit their presentations to three minutes each or other such limitations as may be decided by the Presiding Officer. Speakers should direct all remarks and questions to the presiding officer, who may refer them for investigation, response or other action. The *Texas Open Meetings Act* requires the City to post a notice, in advance, listing every topic or subject to be considered by the ZBA. This law may prevent the ZBA from considering a subject raised by a member of the public. In this case, the presiding officer may refer the matter and the ZBA may direct that the matter be placed on the agenda for an upcoming meeting.

**ARTICLE VI**  
**Final Disposition**

- Section 1. The Board's decision shall: (i) affirm, modify or reverse the refusal of a permit by, or any order or decision of, the Administrative Official, (ii) grant, modify or deny a special exception or variance, or (iii) include two or more of these actions. Each decision shall be reduced to writing and shall set forth the action taken and the conditions, if any, imposed. Every application shall be deemed disallowed, unless the concurring vote of four members of the Board shall favor the application prior to adjournment, unless another disposition is expressly made by the Board (such as, for example, taking the matter under advisement or postponing action to the next meeting). The vote of each member present on each decision shall be recorded with the decision. An appeal or an application for variance or special exception shall be deemed denied: (i) upon the vote of two or more voting members supporting a motion to deny; or (ii) upon the vote of one or more voting members supporting a motion to deny if only four members are present (Note: Neither the motion nor a second to the motion is a vote to deny),

unless, in either case, the Board makes a different disposition prior to adjournment.

Section 2. Any applicant may, in writing, or upon the record at a meeting withdraw his application prior to a final disposition by the Board.

Section 3. If an application is granted by the Board, the written decision shall contain conditions as follows: (i) that all permits necessary for the prosecution of work shall be applied for within 180 days, or such other period determined by the Board, (ii) that construction shall be commenced and completed within two years from the date of granting by the Board, unless otherwise prescribed in the decision itself, or unless an extension of time is granted by the Board and (iii) the decision shall be recorded with Harris County Clerk's Office (Real Property Records). The Administrative Official may extend the time to apply for a permit for one additional 180 day period. Time to complete the permitted work may not be extended by anyone other than the Board. Neither additional notice nor hearing is required for granting a time extension. If any such condition is not fulfilled within the prescribed time, the decision remains in effect but is subject to reversal or modification by the Board without additional notice or hearing.

Section 4. The applicant and the Administrative Official will be notified of the decision of the ZBA.

## **ARTICLE VII Rehearing & Reconsideration**

Section 1. No decision by the Board shall be reheard or reconsidered except on written motion filed by a member of the Board with the Recording Secretary on or before the tenth day following the date the decision is filed in the Board's office. The motion shall be acted upon within 30 days after the decision has been filed, or at the next regular meeting of the ZBA (whichever comes later). Granting the motion requires at least four votes. The Board may grant either rehearing or reconsideration only (without rehearing).

Section 2. The Board may not grant rehearing unless there is a suggestion that new evidence will be submitted, which was not presented at the meeting at which the hearing was originally heard. The Board may require the offer of new evidence and may deny a rehearing upon a finding that no substantial new evidence has been offered.

Section 3. If a rehearing is granted, the case shall be put on the calendar for a rehearing and new notice shall be given in accordance with these rules. New notice is not necessary if the Board grants reconsideration only, without rehearing. Reconsideration may be immediate or deferred to a later time.

Section 4. After a decision of the Board is final (that is, when no motion for rehearing or reconsideration or appeal to the District Court is pending), the Board will not

conduct a hearing on an issue that was resolved in that decision, unless there has been a substantial change in the circumstances of the case. The Board may first hear evidence on the issue of substantial change in the circumstances before deciding to conduct a full hearing. If there is no substantial change, the Board may dismiss the application.

### **ARTICLE VIII Precedents**

- Section 1. Recognizing that each parcel of real property is unique, that the facts presented in each case are almost always unique and that the applicant may not always meet the heavy burden of proof imposed by state law and city ordinance, no action of the Zoning Board of Adjustment shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

### **ARTICLE IX Officers**

- Section 1. The City Council may provide for appointments of the Presiding Officer and the Vice-Presiding Officer, and may allow one or both such officers to be selected by the ZBA.
- Section 2. The Presiding Officer shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Presiding Officer, the Vice-Presiding Officer shall preside. In the event of the absence or disability of both the Presiding Officer and Vice-Presiding Officer, a temporary Presiding Officer shall be elected to preside.
- Section 3. The Presiding Officer, subject to these rules, shall decide all points of procedure. The Board may reverse, affirm or modify any ruling by the Presiding Officer, whether on a point of procedure or otherwise.
- Section 4. The Presiding Officer, unless otherwise directed by the Board, shall appoint such committees as may be found necessary.
- Section 5. The Presiding Officer shall report at each meeting on all official transactions that have not otherwise come to the attention of the Board.
- Section 6. The Presiding Officer shall, subject to these rules and further instructions from the Board, transact the official business of the Board and exercise general disciplinary power.
- Section 7. The Recording Secretary shall be such person as may be designated by the City Manager.
- Section 8. The Recording Secretary, subject to the provisions of the Zoning Ordinance, these rules, and the direction of the Board and Presiding Officer, shall conduct all correspondence of the Board; shall attend all meetings of the Board and all

hearings; shall scrutinize all applications to see that these rules are complied with; shall keep all dockets and minutes of the Board's proceedings; shall maintain the necessary files and indexes and generally supervise all clerical work of the Board.

The Recording Secretary shall, upon docketing any application notify any property owner or other person required to be notified under the provisions of the Zoning Ordinance and State Law.

Section 9. The Recording Secretary shall require from the applicant such additional information and data as may be required to fully advise the Board with reference to the application, whether or not such information and data is called for by the official forms or not. Any failure or refusal on the part of the applicant to furnish such additional information or data shall be grounds for the dismissal of the application by the Board.

**ARTICLE X  
Minute Book**

Section 1. The Recording Secretary shall keep a permanent Minute Book which shall record all applications docketed, disposition of action of the ZBA by individual vote and in the case of denial of an application considered by the ZBA, state the reason or reasons given by the Board for such denial.

**ARTICLE XI  
Required Number of Votes**

Section 1. Action by the Board requires three votes in favor, except when state law, the Zoning Ordinance or these rules specify a different number. *See*, for example, the provisions requiring: (i) four votes to grant applications, (ii) four votes to grant a motion for rehearing or reconsideration, and (iii) four votes to suspend these rules.

**ARTICLE XII  
Amendments; Suspension**

Section 1. These Rules of Procedures may be amended by the Board, provided that such amendment is presented in writing at a regular meeting as a special agenda item. Any of the rules may be suspended, for any single meeting or proceeding, by motion receiving at least four favorable votes.

**ARTICLE XIII**  
**Valid Action**

Any action taken by the ZBA, in compliance with applicable law, shall be deemed to have waived these Rules of Procedure as to the action taken. Such action shall be valid despite any technical noncompliance with these Rules of Procedure or their predecessors.

Adopted by the Zoning Board of Adjustment of the City of West University Place, on March 20, 2014, effective immediately.

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Samantha Brantley, Presiding Officer  
Zoning Board of Adjustment  
City of West University Place