

### **ARTICLE III. ~~ZONING~~ BOARD OF ADJUSTMENT<sup>1</sup>**

#### **Sec. 98-56. Created; organization.**

- (a) *Created; composition; term, removal of members; filling of vacancies.* There is hereby created and established a ~~zoning~~ board of adjustment (~~BOA~~), which shall consist of five members to be appointed by the city council. Such members shall serve for two-year staggered terms. The city council shall also appoint four alternate members of the ~~zoning~~ board of adjustment, any of which shall serve in the absence of one of the regular members when requested to do so by the city manager or ~~his~~ the city manager's designee. The alternate members shall serve for two-year staggered terms. Both regular and alternate members may be removed from office for cause by the city council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member or alternate member whose term becomes vacant. All cases to be heard by the ~~zoning~~ board of adjustment shall always be heard by a minimum number of four members.
- (b) *Officers; compensation.* The ~~zoning~~ board of adjustment shall meet and organize as soon as practicable and shall elect one of its members as chairman. The ~~zoning~~ board of adjustment shall serve without compensation.
- (c) *Rules and procedure.* The ~~zoning~~ board of adjustment shall adopt rules necessary for its government and procedure, not inconsistent with the terms of this chapter and with the provisions of the Texas Local Government Code § 211.008 et seq.
- (d) *Power and duty.* The Board of Adjustment (BOA) may, in appropriate cases and subject to appropriate conditions and safeguards, grant special exceptions and variances to the terms of sections 144 and 106, decide appeals from decisions of administrative officials, and perform other duties as assigned by City Council in harmony with the BOA's general purpose and intent and in accordance with general or specific rules herein contained.
- ~~(d)~~(e) *Meetings.* Meetings of the ~~zoning~~ board of adjustment shall be held at the call of the ~~chairman~~ chairperson, and at such other times as the board may determine. Such chairman, or in ~~his~~ the chairperson's absence the acting ~~chairman~~ chairperson, may administer oaths and compel attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the planning and development services department and shall be a public record.

(Ord. No. 2006-99, § 2(Exh. B), 10-23-06)

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<sup>1</sup>Cross reference(s)—Administration, ch. 2; zoning, app. A; powers and duties of board of adjustment, app. A, § 20.  
State law reference(s)—Board of adjustment, ~~V.T.C.A.~~, Local Government Code § 211.008 et seq.