TOPEKA BOARD OF ZONING APPEALS BYLAWS

ARTICLE I

Section 1. **Name.** The name of this organization shall be the Topeka Board of Zoning Appeals. The term “Board” in the following sections of these bylaws shall mean the Topeka Board of Zoning Appeals.

Section 2. **Membership.** Membership of the Board shall be as established in the Comprehensive Zoning Regulations of the City of Topeka which specifies the number, method of appointment, and term of office.

ARTICLE II

**Purpose**

Section 1. **Bylaws.** The purpose of these bylaws is to establish rules for the internal organization of the Board and for procedures of operation.

Section 2. **Board of Zoning Appeals.** The function, powers, actions, and duties of the Board are quasi-judicial, and carry the power of law as provided for by the Comprehensive Zoning Regulations. The Board, however, adopts its own set of rules and policies for procedure, consistent with its powers.

ARTICLE III

**Organization**

Section 1. **Officers.** The officers of the Board shall be a chairperson, a vice-chairperson. The chairperson and vice-chairperson shall be elected by the Board at its regular meeting in January of each year. Their terms in office shall be one (1) year. No person may serve more than two (2) consecutive terms. The Director of Planning, or his/her representative, shall serve as secretary to the Board.

Section 2. **Chairperson.** The chairperson shall preside over all Board meetings, unless the chairperson designates someone to preside in his/her stead. The chairperson shall have the authority to appoint all committees and be an ex-officio member of all committees. The chairperson shall perform all the duties assigned to his/her office by the city and county governing bodies.

Section 3. **Vice-Chairperson.** The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Board shall select a new vice-chairperson for the unexpired term at the next regular meeting.

Section 4. **Secretary.** The Director of Planning, or his/her representative, shall serve as secretary to the Board. The Secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Board informed on all communications. The secretary
shall record the minutes of all meetings and shall provide copies to all members of the Board. The Secretary shall:

a. Accept and prepare all routine communications on Board matters;
b. Give or serve all notices required by law, these bylaws, or adopted procedures, and
c. File all variances granted by the Board with the Shawnee County Register of Deeds.

Section 5. **Attendance.** Any member who is absent from three consecutive meetings without demonstration of extenuating circumstances shall have such absence reported by the chairperson to the appointing authority for possible replacement. Members who accrue absences beyond a total of four in any calendar year will be requested to relinquish their appointments.

Section 6. **Planning Office/Staff Support.** The Planning Department shall provide professional and technical assistance to the Board. Staff planners shall present recommendations to the Board, as well as all meeting agendas, Findings of Fact, and other documentation as may be required by the Board.

**ARTICLE IV**

**Meetings**

Section 1. **Regular Meetings.** The Board shall meet the second Monday of each month. All Board meetings shall be open to the public.

Section 2. **Special Meetings.** Special meetings of the Board may be called by the chairperson or by a majority of the members appointed. Notice of special meetings shall be given by the Planning Director not less than three (3) business days prior to the meetings. The notice shall state the purpose and time and place of the meeting. Notice may be by telephone or mail.

Section 3. **Agenda.** Agendas for all regular meetings shall be available at the Planning Department at least one week prior to each meeting. Between meetings of the Board, the planning department staff will be available to provide information on matters which come before the Board.

Section 4. **Quorum Requirements.** A quorum of the Board shall consist of four (4) members. No official business shall be conducted by the Board in the absence of a quorum. In the absence of a quorum at any meeting, the presiding officer, after consultation with those members present may adjourn the meeting to a specified date, time, and place. A quorum is not lost when a member or members abstain from voting.

**ARTICLE V**

**Conduct of Meetings**

Section 1. **Parliamentary Authority.** In all applicable cases, all meetings shall be conducted according to Robert’s Rules of Order, provided said rules are not inconsistent with these bylaws, and the Comprehensive Zoning Regulations.
Section 2. **Staff Reports.** Staff reports on all agenda items shall be prepared and transmitted to the Board members a minimum of seven (7) days prior to the time of the meeting.

Section 3. **Appearance Before the Board.** Petitioners or their representatives, members of the community at large or individuals or their representatives who feel that they will be affected by any action taken by the Board may appear before the Board to present views and statements either for or against agenda items. After an initial staff presentation of each case before the Board, the public may address their comments or concerns to the Board either in person or in writing. The Chairperson may limit the length of presentation or discussion to ensure the orderly conduct of Board business.

Section 4. **Board Action.** The Board shall function as authorized by Article 34 of the Comprehensive Zoning Regulations of the City of Topeka and shall include, but not be limited to, the following functions:

a. **Motions.** Motions before the Board on all public hearing items shall be restated by the Chairperson prior to vote on that item.

b. **Voting.** Voting may be by collective voice vote or by individual voice vote on all items at the discretion of the Chairperson. A majority of those voting in the affirmative shall be considered approval of a motion. A tie vote shall not be considered in the affirmative to approve a motion. Records of all votes shall be tallied by the secretary.

c. **Conflict of Interest.** It is the duty of each member to vote on each issue. No member of the Board, however, shall participate in, discuss, or vote on a matter in which he or she has a substantial interest as defined by K.S.A. 75-4301 et seq. Should any member have such a substantial interest on a matter coming before the Board, the Chairperson shall declare the abstention for each affected Board member for that item on the agenda.

d. **Record of Proceedings.** The secretary shall keep a record of the proceedings of each meeting as a matter of public record and shall present such minutes to the Board for approval.

**ARTICLE VI**

**Amendments**

Section 1. These bylaws may be amended by a majority of the Board at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the meeting agenda.

___Timothy Carkhuff___  7/10/06___  ___ Dean Diediker_____  7/10/06___
Chairman                  Date              Secretary         Date