

# **RALSTON BOARD OF ADJUSTMENT RULES AND REGULATIONS**

## **ARTICLE I - Objectives**

The duties, purpose and objectives of the Board of Adjustment of Ralston, Nebraska are those set forth in Sections 19-908 through and including 19-912, Nebraska State Statutes as amended and Article 12-8 through 12-14 of the Ralston Zoning Ordinance and such other duties as the City Council has or may in the future delegate to the Board of Adjustment.

## **ARTICLE II - Officers and Their Duties**

Section 1. The officers of the Board of Adjustment shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

Section 2. The Chairperson shall preside at all meetings and hearings of the Board of Adjustment and shall have duties normally conferred by parliamentary usage on such officers and such other duties hereafter delegated. The Chairperson shall have the privilege of discussing all matters before the Board of Adjustment and of voting thereon.

Section 3. The Vice-Chairperson shall act for the Chairperson in his or her absence.

Section 4. The Secretary shall be responsible for keeping the minutes and records of the Board of Adjustment, prepare agenda of regular and special meetings with the Chairperson, provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board and to such other duties as are normally carried out by a Secretary.

## **ARTICLE III - Election of Officers**

Section 1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held on the first meeting in each calendar year, and the elections shall follow immediately thereafter.

Section 2. A candidate receiving a majority vote of the entire membership of the Board of Adjustment shall be declared elected and shall serve for one year or until his or her successor shall take office.

Section 3. Vacancies in offices shall be filled immediately by regular election procedure.

## **ARTICLE IV - Meetings**

Section 1. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. All meetings shall be open to the public. The regular meetings shall be held on the first Monday of each month at 7:00 P.M., if there is business to transact.

Section 2. A quorum shall consist of four members. Voting shall be by roll call and a record kept as a part of the minutes.

Section 3. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under any regulation or to effect any variation in a regulation.

Section 4. The order of business shall be:

- a. Roll Call
- b. Approval of minutes of the previous meeting
- c. Hearing of appeals
  1. Presentation of appeals by applicants
  2. Presentation by proponents
  3. Presentation by opponents
  4. Deliberations and decision by the Board
- d. Adjournment

Section 5. Minutes of the meetings shall be taken by a court reporter or other qualified person, as determined on a case by case basis, by a majority of the Board members.

## **ARTICLE V - Appeal Procedure**

Section 1. An appeal shall be filed with the Administrative Officer and with the Board of Adjustment. The notice of appeal specifying the grounds thereof shall be filed on forms provided by the Board not more than 30 days after the denial of a permit by the Administrative Officer.

Section 2. The appeal shall be filed at least 21 days prior to a meeting and hearing by the Board of Adjustment.

Section 3. Public notice of the hearing shall be given by publication thereof in a paper of general circulation in Ralston at least one time ten days prior to such hearing. A notice of the hearing and subject matters shall also be mailed to property owners sharing a common property line and Ralston residents within approximately 150 feet of the property on which the appeal is made 7 days prior to such hearing.

Section 4. The Board of Adjustment shall make a determination within a reasonable time.

Section 5. The aggrieved party may appeal the decision of the Board of Adjustment within 15 days of the date of the decision of the Board of Adjustment to District Court.

#### **ARTICLE VI - Fees**

Section 1. A fee of \$75.00 shall be paid to the City of Ralston for each appeal.

#### **ARTICLE VII - Amendments**

Section 1. These Rules and Regulations may be amended by a vote of four members of the Board and approval of the City Council

Revised 4-17-95