

**BY LAWS**

**OF THE**

**BALDWIN COUNTY COMMISSION  
ZONING BOARD OF ADJUSTMENT  
NUMBER 1**



## **Section 1.1 General Governing Rules**

The Board of Adjustment hereinafter also referred to as the “Board” and the “BOA”, along with the business thereof, shall be governed by, without limitation, both the provisions of Ala. CODE 1975 § 45-2-261 to -261.18, also at Act 91-917, as amended, and as may be amended from time to time by the Alabama Legislature and by the Zoning Ordinance of Baldwin County, as may be amended from time to time by the Baldwin County Commission.

## **Section 2.1 Officers and Duties**

### **2.1.1 Chairperson and Vice-Chairperson**

A Chairperson and Vice-Chairperson shall be elected annually by a majority vote of the Board and shall serve for the calendar year unless otherwise determined. The Chairperson, or in his absence, Vice-Chairperson, shall preside at all meetings of the Board, and subject to these rules, shall decide all points of procedure including without limitation the setting of agenda.

### **2.1.2 Secretary**

The Secretary shall be a person chosen from the Baldwin County Planning & Zoning Department staff. The Secretary, subject to the direction of the Board shall keep all minutes, records, shall manage all correspondence and shall prepare, distribute, and publish all required notices.

### **2.1.3 Minutes of Proceedings**

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. In addition, the Board shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the Baldwin County Planning & Zoning Department and shall be a public record.

### **2.1.4 Inspections**

Whenever the Board of Adjustment deems it necessary to inspect the premises involved in an application for appeal of an administrative decision or variance, the Chairperson shall designate not less than two (2) members to make such inspection; provided, however, that such designation shall not preclude any or all other Board members from attending the subject inspection.

## **Section 3.1 Meetings**

### **3.1.1 Time of Meetings**

Meetings of the Board shall be held at the call of the Chair, and at such other times as the Board may determine according to the procedures found herein, provided that no Board shall meet less than once every three months on a day to be determined by the Board. Regular meetings of the Board shall be held on the designated date, time and location as established and approved by the Board at the first regular meeting. The first regular meeting of each year shall constitute the Annual meeting of the Board. Special meetings shall also be called upon a written request of at least two (2) members of the Board. The request by two Board members for a special meeting shall be delivered to the Chairperson, or in his absence, to the Vice-Chairperson, and a copy of such request shall be delivered to the Secretary.

### **3.1.2 Notice of Board Members**

Notice of the time set for special meetings shall be given to each member not less than 48 hours in advance. With the consent of at least four (4) members, a meeting may be held with less than a 48-hour notice.

### **3.1.3 Conduct of Meetings**

All meetings of the Board shall be open to the public.

(a) *Quorum.* A majority of the regular members of the Board shall constitute a quorum. In the event a regular member cannot attend; the designated alternate shall be considered a regular member for purposes of determining a quorum. A vote of the majority of the members of the Board shall be necessary to: 1) reverse any order, requirement, decision, or determination of any administrative official; to, 2) decide in favor of the applicant on any matter upon which it is required to act or; to 3) approve a variance from the terms of the zoning regulations adopted pursuant to this act.

(b) *Order of business.* The order of business at meetings shall be substantially as follows:

- (1) Roll call.
- (2) Reading of Minutes of Preceding Meeting
- (3) Hearing of Variances or Appeals
- (4) Unfinished business.
- (5) New business.
- (6) Adjournment.

(c) *Minutes.* The Secretary shall keep the minutes of the Board showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions.

(d) *Agenda.* If a properly submitted application exists on any agenda of the Board and is not disposed of by the Board during the time allotted to that respective agenda, then such application shall be carried on the agenda of the Board at each succeeding meeting until finally disposed of by the Board.

(e) All meetings shall be in concurrence with the Roberts Rule of Order, latest edition.

## **Section 4.1 Appeals and Applications**

### **4.1.1 Form of Appeal or Application**

The Board shall not hear any appeal unless a notice of appeal was properly made on forms furnished for that purpose, and the original shall be signed by the appellant.

### **4.1.2 Required Components of Appeal of Application or Variance**

The Board shall not consider the appeal or application for variance as complete until all of the following has been properly submitted according to the Baldwin County Zoning Regulations:

- (a) *Application form.*
- (b) *Plans and specifications.*
- (c) *State and Federal permits.*
- (d) *Application fee.*

## **Section 5.1 Hearings**

### **5.1.1 Conduct of Hearings**

The Board may allow any person to appear either in person or by agent or attorney at the hearing.

### **5.1.2 Rehearing**

The Board shall have the discretion, without notice or public hearing, to consider requests for rehearing or new applications on the same issue, sooner than twelve (12) months from the date of the original hearing. If the Board should find a rehearing or new application to be warranted, said rehearing or new application shall be properly noticed and heard at the next regularly scheduled meeting of the Board. Unless necessitated by litigation, no more than one rehearing or new application, per property shall be granted.

## **Postponements and Withdrawals**

### **(a) Postponements**

Any application may be postponed at the discretion of the applicant initiating the request, and upon written notice to the Baldwin County Planning and Zoning Department. A request for postponement must be submitted no later than two (2) business days prior to the date and time of the scheduled hearing. If a request for postponement is submitted less than two (2) business days prior to the hearing, the decision on whether or not to accept the request will rest with the Board. No more than one request for postponement shall be granted.

### **(b) Withdrawals**

Any application may be withdrawn at the discretion of the applicant initiating the request, and upon written notice to the Baldwin County Planning and Zoning Department. A request for withdrawal must be submitted no later than two (2) business days prior to the date and time of the scheduled hearing. If a request for withdrawal is submitted less than two (2) business days prior to the hearing, the decision on whether or not to accept the request will rest with the Board.

## **Section 6.1 Determinations**

### **6.1.1 Form of Decision**

The final decision of the Board upon any appeal or application shall be made by a written order, duly entered and signed by the Secretary, or in his/her absence, by the Planning Director/Zoning Administrator. Such order shall show the reasons for the determination along with any conditions imposed by the Board.

### **6.1.2 Notice of Decision**

The Secretary shall notify interested parties of the decision of the Board and shall transmit to the appellant or applicant a copy of the written order of the Board.

### **6.1.3 Conditions Imposed by Board Determination**

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in any subject permit(s) issued by the administrative officer in questions.

## Section 7.1 General Rules

### 7.1.1 General Authority

The Board shall have and exercise all rights, authority and powers presently or hereafter provided by law. The adoption of rules by the Board shall not constitute or be construed as a limitation or restriction in any manner whatsoever.

### 7.1.2 Amendment and Revocation

These Rules of the Board may be amended or revoked at any meeting by the majority of the members of the Board. Prior notice of intention to amend or revoke the rules must be given by the Chairperson to all members prior to the meeting. These rules shall be filed in the office of the Baldwin County Planning and Zoning Department and shall be a public record and shall be available for examination as provided by law.

### 7.1.3 Records and Decisions Public

Every decision and all minutes, proceedings, and orders of the Board shall be filed in the Office of the Baldwin County Planning and Zoning Department and shall be public records.

### 7.1.4 Attendance

If a member should miss three (3) or more meetings within a six (6) month period, without prior notification to the Secretary or without an acceptable excuse, said member may be removed from the Board subject to the policies and procedures of the Baldwin County Commission.

## Section 8.1 Ethics

Each Board member shall identify any conflict of interest, whether proprietary, financial or otherwise he or she may have in regard to any and all matters coming before the Board. Each Board member having a conflict of interest should recuse himself or herself from the subject matter.

These By-Laws were adopted this 18 day of May, 2021  
by the Baldwin County Planning (Zoning) District Board of Adjustment Number 1.

  
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SIGNATURE OF CHAIRMAN

5.18.21  
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DATE