

**BY LAWS**  
**RENO COUNTY BOARD OF ZONING APPEALS**  
**RENO COUNTY, KANSAS**

Thom Etzler, Chairman  
Mark Richardson, Vice-Chairman  
Mary Lynn Baker  
Lisa French  
Ken Jorns  
Gary Price  
Steve Westfahl

**BY LAWS PASSED – February 14, 1977**

**AMENDED**

March 15, 1995  
April 19, 2012  
December 21, 2017

## **STATE ENABLING ACT AND COUNTY PLANNING RESOLUTION**

The Reno County Board of Zoning Appeals is subject to the planning laws of the State of Kansas and as such legislation applies to all County Boards of Zoning Appeal members in the state and to the Reno County Land Development Regulations adopted December 16, 1987, by the Reno County Board of County Commissioners. Those sections which specifically apply to the organization of a County Board of Zoning Appeals are briefly summarized as follows:

### **APPOINTMENT**

1. The Reno County Board of Zoning Appeals (BZA) shall consist of the seven (7) members who serve on the Reno County Planning Commission which are appointed by the Reno County Board of County Commissioners.
2. These seven members shall be residents of Reno County, a majority of who live outside the corporate limits, of any incorporated city.
3. Membership shall coincide with the terms served as a member of the Reno County Planning Commission.
4. Vacancies shall be filled for the unexpired term by the Board of County Commissioners.
5. Members shall serve without compensation for their services. Members shall be paid round trip mileage at the current IRS rate. Mileage distances shall be determined using MapQuest or other similar computer program and be the most direct route from the member's residence to the meeting site.
6. Training of all BZA members shall be done on an annual basis. This training will include, but not be limited to, new or existing state or federal legislation affecting existing procedures or the comprehensive plan, duties and responsibilities of the BZA, and other items that will ensure the BZA is operating efficiently and within the existing statutes of the state of Kansas.

### **ORGANIZATION**

1. The Reno County Board of Zoning Appeals Chairperson and Vice-Chairperson shall be the same people elected as Chairperson and Vice-Chairperson of the Reno County Planning Commission.
2. The BZA shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary. Such rules and regulations shall not be inconsistent with the Resolutions of Reno County and the laws of the State of Kansas.
3. The County Commissioners may employ such employees as it may deem necessary for the work of the BZA and may contract with planners, engineers, landscape architects and other consultants for such services as may be required.

4. The BZA shall, when it deems necessary, recommend to the County Commissioners that it contract for, accept and expend grants from the Federal Government available for the purpose of County Planning and from any agency of the State or other source which might have funds available for such purposes.
5. All monies appropriated by the County Commissioners and all monies received from grants, gifts, or other sources for the use and benefit of the BZA shall be deposited with the County Treasurer and shall be paid out on warrants approved by the Governing Body.

## **DUTIES AND POWERS**

### **APPEALS**

1. The BZA shall hear an appeal taken by any person aggrieved, any officer of the county, or any governmental agency affected by any decision of the Administrator made in interpreting the Reno County Land Development Regulations (afterwards known as the regulations).
2. The BZA shall have the power to hear and decide appeals where it is alleged that the Administrator made an error in issuing any order or making any requirement, decision, or determination while interpreting the regulations.

### **VARIANCES**

1. The BZA shall have the power to hear and grant requests for variances to specific provisions of the regulations. Variances may be granted only if:
  - a. They are not contrary to the public health, safety, morals, order, convenience, prosperity, or general welfare;
  - b. Where a literal enforcement of the regulations will result in an unnecessary hardship because of special conditions;
  - c. There exists some condition which is unique to the parcel in question and is not commonly found on other parcels in the same district and was not created by the actions of the owner or applicant;
  - d. It will not adversely affect the rights of adjacent property owners or residents; and
  - e. It would not be contrary to the general spirit and intent of the regulations.

### **SPECIAL EXCEPTIONS**

1. The BZA shall have the power to hear and grant requests for special exceptions in accordance with the terms of these regulations:

In no event shall exceptions to the provisions of the regulation be granted where the use or exception contemplated is not specifically listed as an exception in the regulations.

In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination made by the Zoning Administrator. The BZA may attach appropriate conditions. The BZA may issue or direct the issuance of a zoning permit.

## **RULES AND REGULATIONS**

The following rules and regulations governing the procedures of the Reno County Board of Zoning Appeals are adopted in accordance with the planning laws of the State of Kansas and the Reno County Zoning Regulations.

### ARTICLE I: OFFICERS

1. The Chairperson shall preside at all meetings and public hearings of the BZA.
2. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.
3. The County Planner and/or their designee shall act as Secretary for the BZA.

### ARTICLE II: MEETINGS

1. The Administrator shall set a reasonable time and place for a public hearing regarding applications.
2. The Administrator shall publish a notice of the public hearing in the official county newspaper. The notice shall be published at least twenty (20) days prior to the hearing date. The notice shall contain the time, place, and subject of the hearing. Copies of the notice shall be mailed to each party of the application and the BZA.
3. The Administrator shall distribute copies of the notice of the public hearing at least seven (7) days prior to the hearing date to property owners within 1,000 feet of the subject parcel boundary.
4. The order of business of the meeting shall be as follows:
  - a. Roll call
  - b. Approval of minutes of previous meeting
  - c. Hearing procedure explanation
  - d. Old business
  - e. New business
  - f. Other business
  - g. Adjournment.
5. All meetings of the BZA shall be open to the public.
6. Where procedural and parliamentary rules adopted by the BZA do not conflict; parliamentary procedure shall generally follow "Robert's Rules of Order" with variations as deemed appropriate by the chairperson.

### ARTICLE III: QUORUM

Four members, a majority of the BZA, shall constitute a quorum for the transaction of business.

### ARTICLE IV: VOTING

1. An affirmative vote of a majority of a quorum of the BZA shall be necessary to authorize any official action of the Board.
2. All members, including the Chairperson, shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which there is a conflict of interest.

### ARTICLE V, RECORDS AND REPORTS

1. The secretary shall keep a record of its transactions, findings, and determinations.
2. All records of the BZA shall be available for public review.
3. All formal decisions shall be authenticated by the signature of the chairperson.

### ARTICLE VI, AGENDA SUBJECTS

1. For non-hearing agenda items, upon application made by an interested party for placement upon the agenda of a BZA meeting, the secretary of the BZA shall require that all data pertaining to such subjects be presented in writing at least two weeks prior to the date of the BZA meeting.
2. Where the volume of the BZA subjects may require such action, the Chairperson of the BZA may, with approval of the BZA, postpone discussion of certain subjects until sufficient time is available for the members to give proper review to such subjects.
3. Agendas shall ordinarily be mailed to members of the BZA at least seven (7) days prior to the BZA meeting.
4. Subjects which are not listed on the official BZA agenda may be introduced and discussed at a meeting; however, no action shall be taken until such subjects appear on a published agenda.

### ARTICLE VII: PUBLICITY

1. The BZA shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying newspaper, radio, and television stations with information.
2. If a public hearing is required, the BZA shall fix a reasonable time for the hearing and give public notice as to the time, place, date, and subject in the official county newspaper to be published at least 20 days prior to the hearing. Affected property owners shall be notified in writing at least seven (7) days in advance of the public hearing.

ARTICLE VIII: ATTENDANCE OF MEMBERS

1. Whenever any duly appointed member of the BZA does not attend three (3) regular consecutive meetings or at least eight (8) meetings in a twelve (12) month period unless excused by the secretary, it shall be assumed that he/she has tendered his/her resignation to the County Commissioners. It shall be the duty of each member to notify the secretary of the BZA in the event he/she cannot attend the regular monthly meeting.

ARTICLE IX: AMENDMENTS

1. These rules of procedure may be amended by an affirmative vote by five (5) members of the BZA provided such proposed amendment has been submitted in writing to each member of the BZA at least seven (7) days prior to the meeting at which such action is to be taken.

ARTICLE X: REPEAL OF RULES OF PROCEDURES

1. These rules of procedure shall repeal and replace all other rules of procedure which the BZA has previously adopted.

ATTEST: APPROVED BY RENO COUNTY BOARD OF ZONING APPEALS

  
\_\_\_\_\_  
Mark Vonachen, Secretary/County Planner

  
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Thom Etzler, Chairperson

Date: 12/21/17