



**CITY OF TEXARKANA, ARKANSAS**  
**DEPARTMENT OF PUBLIC WORKS**  
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## **BOARD OF ADJUSTMENT**

### **Bylaws**

#### **ARTICLE I.**

##### **Name**

The name of this public body shall be the Board of Adjustment of the City of Texarkana, Miller County, Arkansas.

#### **ARTICLE II.**

##### **Authority**

The Board of Adjustment of the City of Texarkana, Arkansas was created under authority granted by the *Arkansas Code of 1987 Annotated*.

#### **ARTICLE III.**

##### **Members**

- Section 1. Members shall be appointed by the Board of Directors of the City of Texarkana, Arkansas in accordance with *Arkansas Code of 1987 Annotated* and the *Texarkana, Arkansas Code of Ordinances*.
- Section 2. The Board of Adjustment shall consist of five (5) members, with one member being a member of the Planning Commission. Appointment shall be for a term of three (3) years.
- Section 3. The absence of any member for more than twenty-five percent (25%) of all regular meetings in any twelve (12) month period for reasons other than illness or otherwise provided by the Board shall be considered resigned from the Board. The Chairperson is hereby authorized to notify the Board of Directors of said vacancy.
- Section 4. The Board of Adjustment shall promptly convene at 6:00 P.M. in the Boardroom or City Manager's Conference Room of the Arkansas City Hall Building on its regular meeting days. (Amended July 22, 2010, Board of Adjustment)

#### **ARTICLE IV.**

##### **Officers**

- Section 1. The officers of this Board shall be a Chairperson and Vice-Chairperson. Those officers shall perform the duties prescribed by these bylaws and by parliamentary authority adopted by the Board as a part of these bylaws.
- Section 2. At the first regular meeting after these bylaws are adopted, and thenceforth at the first regular meeting held in the month of June, the Board shall elect a Chairperson and Vice-Chairperson. Those officers shall serve for one (1) year or until their successors are elected.
- Section 3. No member shall be eligible to serve more than two (2) consecutive terms in the same office. (Amended 8-27-01)
- Section 4. In the event that the Chairperson and Vice Chairperson are both absent, a temporary Chairperson shall be elected at large by a majority of the members present. The temporary Chairperson shall serve only for the meeting in question. (Amended 3-27-2006, Board of Adjustment)

#### **ARTICLE V. Meetings**

- Section 1. Meetings shall be called and held in accordance with the *Arkansas Code of 1987 Annotated* and the *Texarkana, Arkansas Code of Ordinances*.
- Section 2. A quorum shall consist of three (3) members in attendance.
- Section 3. The regular monthly meeting day shall be the third Thursday of the month, and shall convene at 6:00 P.M. in the Boardroom or City Manager's Conference Room of the Arkansas City Hall Building.  
(Amended July 22, 2010, Board of Adjustment)
- Section 4. Special meetings may be called by the City planner with permission of the Chairman.

#### **ARTICLE VI. Parliamentary Authority**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable.

#### **ARTICLE VII. Amendments**

These bylaws can be amended at any regular meeting of the Board of Adjustment by a majority vote provided that the amendment has been submitted in writing at the previous regular meeting.

#### **ARTICLE VIII.**

## **Appeals/Interpretations/Variances**

- Section 1. Appeals to the Board may be taken by any person affected by any decision of the Administrative Official within thirty (30) days after said decision. The appeal shall be in writing on a form provided by the Board of Adjustment. Said form shall be accompanied by a site plan drawing showing all data pertinent to the request being made.
- Section 2. A processing fee of one hundred dollars (\$100.00) shall be paid to the City by the applicant for each item coming before the Board of Adjustment prior to or on the deadline date hereinafter specified before the application shall be considered complete. In the event the application is withdrawn by the applicant or designated agent prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.
- Section 3. Appeals shall be filed no later than ten (10) days prior to the day of the meeting at which the appeal is to be heard.
- Section 4. No application for a variance, special exception, or appeal, which has been denied, shall be again filed earlier than one (1) year from the date of original denial, except in cases where the variance request was denied due to the applicant's absence at the meeting.

## **ARTICLE IX. Rules of Procedures**

- Section 1. Individual members of the Board of Adjustment should not be privately contacted regarding any matters over which it has jurisdiction.
- Section 2. Any request for an appeal, interpretation, or variance shall require a public hearing before the Board. Notice of said public hearing shall be published in a newspaper of general circulation in the City, in accordance with Article 19-2830, *Arkansas Code of 1987 Annotated*. Along with the application, the applicant shall submit to the office of the City Planner a certified list (Affidavit) of all of those persons, firms or corporations owning property or leasing property located within one-hundred feet (100') of the property to be affected by the applicant's application. The certified list of property owners or tenants (Affidavit) shall be prepared by and certified by an attorney, surveyor, abstract or title office, appropriate public official (i.e., County Clerk, Circuit Clerk, or County Assessor) or any other person commonly or regularly engaged in the business of buying, selling, or transferring land. The certified property owners list (Affidavit) submitted to the City Planner shall be used for the purpose of providing notice to all of the owners/tenants of property to be affected by the application; however, it shall be the responsibility of the applicant to ensure that all of the owner/tenants for property within the prescribed one-hundred feet (100') are notified seven (7) days prior to the date of the public hearing.

Section 3. Appeals/interpretations/variances will be heard by the Board of Adjustment in order of filing. A motion to approve or deny shall be approved by an affirmative vote of a majority of the members present. Failure of a motion to approve shall be considered a denial of an appeal/interpretation/variance. Failure of a motion to deny shall be considered an approval of an appeal/interpretation/variance.

Section 4. After approval of an appeal/interpretation/variance, the Administrative Official shall issue a building permit upon which shall be stated the provisions of the appeal, provided that all other laws and ordinances of the City are not in conflict with said issuance.

**PASSED AND APPROVED** this 17th day of November, 1977.

Last Amended:  
March 15, 2012  
November 30, 1988  
April 28, 1999  
August 27, 2001  
March 27, 2006  
July 22, 2010