

STAFF REPORT

DATE: 11/24/2025

TO: Bel Aire City Council Meeting
FROM: Paula Downs
RE: BZA Bylaws

STAFF COMMUNICATION	
FOR MEETING OF	12/02/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

Board of Zoning Appeals Bylaws

Background:

At the October 9, 2025, Planning Commission meeting the Planning Commission/Board of Zoning Appeals was provided with draft Board of Zoning Appeals (BZA) Bylaws. This was the initial introduction of the Bylaws.

The BZA Bylaws closely mimic the approved Planning Commission Bylaws with modification in language to reflect what was specifically needed for the Board of Zoning Appeals.

November 13, 2025- Board of Zoning Appeals Meeting:

The Secretary received feedback from the Board of Zoning Appeals members on the draft BZA Bylaws document. Below are the suggestions that were received and the italicized text is the staff response for each item for BZA review:

Article I: Creation and Membership

1. Membership Minimum (Section 2): Since the Bylaws specify a Planning Commission of seven members, should we consider adding language to address how the BZA would manage its business if the Commission's membership happened to fall below seven for an extended time?
 - o *If the Planning Commission member number changes, then the Planning Commission Bylaws and BZA Bylaws would need to be changed. Currently the information is accurate, and no changes are required.*
 - o *The BZA can discuss this and request the change be added. If approved, the Planning Commission Bylaws would need to be amended.*
2. Attendance Consistency (Section 3): To make sure the attendance rule is perfectly clear, perhaps we can clarify the reference to "three consecutive regular meetings" by specifying it means "regular BZA/Commission meetings." This small change would ensure consistency across the members' dual roles.

- *The current language reflects what is included in the Planning Commission Bylaws as recommended by the Planning Commission. Because the Planning Commission serves at the Board of Zoning Appeals, the same attendance requirements apply. The language is accurate, and no changes are needed.*
 - *The BZA can discuss this and request the change be added. If approved, the Planning Commission Bylaws would need to be amended.*
3. Conflict of Interest Cross-Reference (Section 4): This section is excellent, and to make it even easier to implement in a meeting, we could add a quick cross-reference here, reminding members that a disqualified vote also means the person is not counted for quorum on that specific item (as detailed in Article III, Section 6).
- *Section 4 provides language related to what happens should a BZA member have a conflict of interest.*
 - *For clarification, the separation of language makes it easy to review the “quorum” requirements contained in (Article III, Section 6).*
 - *For clarity and any future updates, it is helpful to keep language contained in its own sections so it can easily be referred to.*
 - *No changes were made to Section 4.*
 - *The BZA can discuss this and request the change be added. If approved, the Planning Commission Bylaws would need to be amended.*

Article II: Officers and Duties

1. High-Priority Note on Record Retention (Section 3.3a): The Bylaws state that the meeting recording is deleted once the minutes are approved. Suggest rewording this: to be fully compliant and legally sound, should it be adjusted by replacing "deleted" with something that aligns with the City's official records retention schedule; perhaps stating that the recording is "disposed of in accordance with the City's official records retention policy."
 - *The detailed meeting minutes are developed to create a record of what occurred during a meeting.*
 - *At this time, we are not required to keep the audio recording of the meeting.*
 - *The BZA can discuss this and request the change. If approved, the Planning Commission Bylaws would need to be amended.*
2. Election Month (Section 2): The draft states that officer elections are held at the regular Commission meeting in October. Since elections were not conducted this year in October, could we clarify if the intended month should be revised to November, or if the Governing Body needs to adopt a special motion to ensure the timing is set moving forward?
 - *Elections not occurring in October was an oversight.*
 - *Moving forward, the Planning Commission will conduct elections at their October meeting as set out in the Planning Commission Bylaws and BZA Bylaws.*

Ideas for Long-Term Strength and Efficiency

1. Simple Definitions Section: To improve readability, especially for new members, we could begin with a very brief Article I, Section 1: Definitions. This would clearly establish terms like BZA, Commission, Governing Body, and especially the Senior Commissioner, right at the top.
 - *This item can be discussed by the BZA and if requested it can be drafted and included.*
 - *A definitions section would also need to be discussed and included in the Planning Commission Bylaws.*
 - *This can be done at a future date after research and development.*

2. Future-Proofing the Procedures

- a. Electronic/Remote Meeting Flexibility: Thinking ahead, it might be beneficial to add a section discussing the possibility of electronic or remote participation for meetings. This would ensure the Bylaws are prepared for emergencies or future practices, provided we keep it compliant with the Kansas Open Meetings Act.
 - *This topic can be a future topic that would need to be discussed, reviewed by the City, and implemented by both the Planning Commission and BZA.*
 - *Both Bylaw documents would need to reflect the process and requirements related to electronic/remote meeting participation.*
- b. Parliamentary Procedure Training (Article IV, Section 5): The section on Robert's Rules is comprehensive, but since specific motions (like "Point of Order") are rarely used, perhaps we could include a suggestion for annual training for BZA/Commission members on parliamentary basics. This would promote confidence and even more efficient meeting management.
 - *Parliamentary Procedure training can be added to the annual training schedule.*
 - *This request is not required to be part of the Bylaws unless requested and approved by the BZA.*
 - *This request would be required to be added to the Planning Commission Bylaws document.*

The Board of Zoning Appeals reviewed each item and Commission/Board Member Faber was satisfied with the staff comments and the final Bylaw document as presented. The Board of Zoning Appeals approved the Board of Zoning Appeals Bylaws 5-0.

Current Discussion:

The Board of Zoning Appeals reviewed the Bylaws and provided comments prior to the meeting. Staff reviewed and provided comments in the staff report for the November 13, 2025, meeting. After review of the comments the Board of Zoning Appeals approved the Resolution establishing Bylaws for the conduct of business by the Board of Zoning appeals.

Staff recommends approval of the Ordinance.