

BY-LAWS

FLUVANNA COUNTY BOARD OF ZONING APPEALS

ARTICLE 1. OBJECTIVES

1-1. This board of zoning appeals, established pursuant to an ordinance adopted by the **FLUVANNA** County Board of Supervisors and effective on the 1st day January, 1974, adopts the subsequent Articles in order to facilitate its powers and duties in accordance with (Chapter 11, Title 15, Article 8, Section 15.1-495) Code of Virginia, 1950 as amended.

1-2. The official title of this board shall be the "**Fluvanna** County Board of Zoning Appeals."

ARTICLE 2. RULES FOR MEMBERS

2-1. Members having any interest or personal concern over a case shall so state and shall disqualify themselves from acting on that case.

ARTICLE 3. OFFICERS AND THEIR SELECTION

3-1. The officers of the board of zoning appeals shall consist of a chairman, vice-chairman, and a secretary who shall be appointed by the Board.

3-2. Nominations shall be made by members from the floor at the first regular meeting of each calendar year. If the nominations are by resolution closed with only one nominee for any one office the party so nominated shall be considered elected.

If not, elections for each office shall follow the nominations for that office.

3-3. A candidate receiving a majority vote of the entire membership of the board shall be declared elected and shall take office immediately and serve for one year or until his successor shall take office.

3-4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4. DUTIES OF OFFICERS

4-1. The chairman shall be a citizen member of the board of zoning appeals and shall:

4-1-1. Preside at all meetings:

4-1-2. Rule on all procedural questions (subject to a reversal by a majority vote of the members present;

4-1-3. Sign and certify items in evidence presented before the Board;

4-1-4. Sign all resolutions passed by the Board certifying that the same were the resolutions intended to be adopted. After his signature is affixed to any resolution the resolution shall be considered immediately entered as a public record.

4-2. The vice-chairman shall be a citizen member of the board and shall:

- 4-2-1. Act in the absence or inability of the chairman to act; and
- 4-2-2. Have the powers to function in the same capacity of the chairman in cases of the chairman's inability to act.
- 4-3. The secretary shall:
 - 4-3-1. Keep a written record of all business transacted by the board;
 - 4-3-2. Notify all members and such other parties as the chairman may direct of all meetings;
 - 4-3-3. Keep a file of all official records and reports of the board;
 - 4-3-4. Certify all maps, records and reports of the board;
 - 4-3-5. Serve notice of all hearings and public meetings;
 - 4-3-6. Attend to correspondence of the board as hereinafter prescribed;
 - 4-3-7. Keep a set of minutes as hereinafter prescribed; and
 - 4-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings in the manner prescribed for public hearings in Section 7-2 of these By-laws.

ARTICLE 5. MEETINGS

- 5-1. Regular meetings of the board of zoning appeals shall be held the second Tuesday of each month beginning at 7:30 PM.

When a meeting date falls on a legal holiday, the meeting shall be held on the following day unless otherwise designated by the chairman.

5-2. Special meetings may be called at the request of the chairman or at the request of a quorum of the membership or by the secretary when appropriate work load require same to be held on any Tuesday. Written or telephone notice of meetings shall be given to each member at least five days prior to such meetings and shall state the purpose and time of the meeting.

5-3. All regular hearings, records, and accounts shall be open to the public. Executive meetings may be held to which such parties shall be admitted as the chairman may summon.

5-4. A majority of the membership of the board shall constitute a quorum. The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof pursuant to Section 15.1-431 of the Code, as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of three (3) members

shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from this ordinance. Voting shall be by roll call, and a record of the vote shall be kept as a part of the minutes.

ARTICLE 6. ORDER OF BUSINESS

6-1. The order of business for a regular meeting shall be:

6-1-1. Call to order by chairman;

6-1-2. Roll call;

6-1-3. Determination of quorum;

6-1-4. Approval of minutes;

6-1-5. Report of the secretary;

6-1-6. Report of special committees (if any);

6-1-7. Unfinished business;

6-1-8. Public hearings;

6-1-9. Executive meetings (if any);

6-1-10. Adjournment.

6-2. Resolutions shall be written on such forms as the Board may adopt and shall be read by the Secretary before a vote is taken. The names of the persons making and seconding motions shall be recorded by the secretary.

- 6-3. The board of zoning appeals shall keep a set of minutes for all regular, adjourned and special meetings as well as committee meetings.
- 6-3-1. The secretary shall prepare a set of minutes for all regular, adjourned and special meetings as well as committee meetings.
- 6-3-2. The secretary shall sign all minutes and certify copies following the adoption of the minutes with any corrections.
- 6-4. Parliamentary procedure in board meetings shall be governed by the rules of order adopted herewith, namely Robert's Rules of Order.

ARTICLE 7. HEARINGS

- 7-1. In addition to those required by law, the board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- 7-1-1. Refiling appeals. No appeal, request, or question raised under appeal which has been heard and decided may be again filed or heard within a period of six months from the date the decision is entered in the records of the Board. The date the resolution is signed by the Chairman shall be the date of entry.
- 7-1-2. A motion for rehearing may be granted by concurring affirmative vote of three members provided:

- a. that new evidence can be presented which, in the opinion of the Board, is pertinent to the recorded decision and could not have been presented at the original hearing or
- b. that, in the opinion of the Board, some condition or situation has changed in such a manner as to have bearing on the decision previously recorded.

The Board shall set the date for the rehearing and shall cause notice of such hearing to be executed in such manner as is prescribed for any other appeal.

- 7-2. Notice of hearings shall be published in accordance with the provision of Chapter 11, Title 15, Article 1, Section 15.1-431, of the 1950 Code of Virginia as amended.
- 7-3. The case before the board shall be summarized by the secretary, and parties in interest shall have the privilege of the floor. No record of statement shall be recorded, or sworn to, as evidence for any court of law without notice of the parties in interest.
- 7-4. A record shall be kept of those speaking before the hearing.
- 7-5. The chairman of the board may administer oaths and compel the attendance of witnesses.

7-6. Within thirty (30) days after the hearing the secretary shall notify the parties in interest and the Zoning Administrator of its decision.

ARTICLE 8. CORRESPONDENCE

8-1. It shall be the duty of the secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Board of Zoning Appeals.

8-2. It shall be the duty of the secretary to communicate by telephone and telegraph whenever necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

8-3. All official papers and plans involving the authority of the board shall bear the signature of the chairman or vice-chairman. Copies of same shall be certified by the secretary.

ARTICLE 9. AMENDMENTS

9-1. These rules may be changed by a recorded three-fifths (3/5) vote of the entire membership.

9-2. The board may temporarily suspend any of these rules by a unanimous vote of members present.