



## Bylaws Pulaski County Board of Zoning Appeals

### ARTICLE 1 – OBJECTIVES:

- 1-1.** This Board of Zoning Appeals (“BZA” or “Board”), established pursuant to Article 19 of the Pulaski County Zoning Ordinance and pursuant to § 15.2-2308, Code of Virginia, has revised and adopted these Bylaws in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 7, Code of Virginia.

### ARTICLE 2 – OFFICERS

- 2-1.** The BZA shall consist of five (5) residents of the County. The Board shall elect a Chair and a Vice-Chair in December of each year. Nomination of officers shall be made from the floor. Election of officers shall follow immediately. A candidate receiving a majority vote of the membership of the Board present and voting shall be declared elected.
- 2-2.** The Board shall have three (3) alternate members whose qualifications, terms and compensation shall be same as those of regular members.
- 2-3.** A regular member when he knows he will be absent from a meeting shall notify the Secretary at least twenty-four (24) hours prior to the meeting. The Secretary will call an alternate to serve in the absence of a member and the records of the Board shall so note.
- 2-4.** Vacancies in office shall be filled immediately either by alternates or recommendations from staff, Board members, Planning Commissioners and/or Board of Supervisors.
- 2-5.** The Chair shall:
- 2-5.1. Preside at all meetings and hearings of the BZA.
  - 2-5.2. Appoint committees as necessary.
  - 2-5.3. Administer oaths and compel the attendance of witnesses.
  - 2-5.4. Decide all point of order or procedure.
- 2-6.** The Vice-Chair shall:
- 2-6.1. Act in the absence or inability of the Chair to act.

**2-7.** The Secretary shall:

2-7.1. Keep the minutes and records of the BZA's proceedings.

2-7.1.1 The date, time and location of the meeting.

2-7.1.2 The members of Board recorded as present or absent.

2-7.1.3 A summary of the discussion on matters proposed, deliberated or decided.

2-7.1.4 A record of all votes taken.

2-7.2. Maintain other BZA records.

2-7.3. Keep a file of all cases which come before the BZA.

2-7.4. Prepare and be responsible for the publishing of advertisements relating to meetings and public hearings in accordance with State law.

2-7.5. Send out notices required by these By-laws, the Pulaski County Zoning Ordinance, and the Code of Virginia.

**2-8.** The Zoning Administrator shall:

2-8.1. Prepare staff analysis and all official correspondence on behalf of the BZA.

2-8.2. Notify the Board of Supervisors of any vacancy on the BZA.

**ARTICLE 3 – MEETINGS:**

**3-1.** A regular meeting of the Board of Zoning Appeals for the hearing of cases shall be held on the third Tuesday at a time specified by the Chair. If no cases are pending no meeting shall be held. If a meeting date should fall on a legal holiday, the meeting shall be held the day following unless otherwise designated by the BZA or the Chair acting in the absence of a meeting.

**3-2.** The BZA will hold an organizational meeting in December to review By-laws; calendar related to deadline submittal for the following year; and other related zoning issues. During the organizational meeting no business will be conducted.

**3-3.** Special meetings of the BZA may be held at the call of the Chair and at such other times as a quorum of the BZA may determine, provided that notice of such meeting is given each member pursuant to the Virginia Freedom of Information Act (FOIA), § 2.2-3707 *et seq.* Code of Virginia.

**3-4.** A quorum in attendance shall be at least three (3) members.

**3-5.** The conduct of business at all regular meetings of the Board shall follow Robert's Rules of Order; Simplified Procedures.

**3-6.** The Board may adjourn a regular meeting of all applications or appeals that cannot be disposed of on the day set, and no further public notice shall be necessary for such a continuation or reconvened meeting.

- 3-7. The Chair, or the Vice-Chair in the absence of the Chair, may call an adjournment in the event of bad weather, in the opinion of such officer calling the adjournment. The Secretary shall attempt to notify each member of the Board and the press of a bad-weather adjournment.
- 3-8. Members shall be responsible to determine whether they have a conflict of interest and otherwise act in accordance with the State and Local Government Conflict of Interests Act § 2.2-3100 *et seq.* Code of Virginia. The Notice of Conflict form should be completed prior to the meeting and reported to the Chair during the meeting.

**ARTICLE 4 – POWERS AND DUTIES:**

- 4-1. The BZA shall have the powers and duties set forth in § 15.2-2309 Code of Virginia and Article 19 of the Pulaski County Zoning Ordinance.

**ARTICLE 5 - PROCEDURE FOR HEARING CASES:**

- 5-1. Appeals to the Board of Zoning Appeals may be taken by any person affected by any decision of the Zoning Administrator and by applicants for a variance to the zoning ordinance. Such appeal shall be filed with the Zoning Administrator. The Zoning Administrator will transmit the application to the Board along with all papers constituting the record upon which the action was taken.
- 5-2. All applications shall include all of the information required by the Zoning Ordinance, and all fees required by the Zoning Ordinance shall be paid before the matter will be scheduled for public hearing.
- 5-3. The applicant may appear in his own behalf at the public hearing, or be represented by counsel or an agent.
- 5-4. The Chair of the BZA may establish time limits on presentations at public hearings.
- 5-5. No cross-examination of speakers testifying shall be permitted, except by members of the BZA, without the permission of the Chair.
- 5-6. The Zoning Administrator or his/her designee shall make a staff report followed by the applicant or agent's statement. The Chair shall then hear from any citizen in favor of the application, followed by any citizen opposed to the application. The Chair shall also accept written statements and other documentation pertinent to the matter. The applicant shall be given an opportunity for final rebuttal.

**ARTICLE 6 – AMENDMENTS:**

- 6-1. These by-laws may be amended from time to time as deemed necessary by an affirmative vote of a majority of those present at any meeting at which a quorum is present.

## **ARTICLE 7 – FUNDING:**

- 7-1.** The BZA may employ or contract for, within the limits of funds appropriated by the Board of Supervisors, legal counsel and/or consultants.

## **ARTICLE 8 – VALIDITY:**

- 8-1.** If any word, clause, sentence, article, section, subsection or other part or parts of these By-laws shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining parts of these By-laws, nor shall it affect any application of these By-laws that may be given effect without the unconstitutional or invalid parts, and to this end, all provisions of these By-laws are hereby declared to be severable.
- 8-2.** The BZA shall be governed by the requirements of Title 15.2, Chapter 22, Article 7, Code of Virginia, and the Pulaski County Zoning Ordinance Article 19. Should any provision of these By-laws be found to be in conflict with said requirements, the Code of Virginia and Pulaski County Zoning Ordinance shall take precedence.