

Bylaws



Orange County Board of Zoning Appeals

**Adopted by the Orange County Board of Zoning Appeals
on August 19, 1998**

Amended May 19, 1999
Amended September 15, 1999
Amended December 20, 2000
Amended February 20, 2002
Amended May 21, 2008
Amended July 14, 2010

BYLAWS
ORANGE COUNTY BOARD OF ZONING APPEALS¹

ARTICLE 1 – OBJECTIVES

1-1. This Board of Zoning Appeals (“BZA” or “Board”), established pursuant to Section 70-61 of the Orange County Code of Ordinances and pursuant to § 15.2-2308, VA Code Ann., has adopted these Bylaws in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 7, VA Code Ann.

ARTICLE 2 – OFFICERS

2-1. The BZA shall elect a Chairman and a Vice-Chairman in July 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 County Administrator will appoint a staff member to serve as Secretary pursuant to Sec. 70-64.1 of the Orange County Zoning Ordinance. The Secretary shall not be a voting member.

2-3. Vacancies in office shall be filled immediately by the same procedure to serve until the next annual election.

2-4. The Chairman shall:

2-4-1. Preside at all meetings and hearings of the BZA.

2-4-2. Appoint committees as necessary.

2-4-3. Administer oaths and compel the attendance of witnesses.

2-4-4. Decide all points of order or procedure.

2-5. The Vice-Chairman shall:

2-5-1. Act in the absence or inability of the Chairman to act.

2-6. The Secretary shall:

2-6-1. Prepare official correspondence on behalf of the BZA.

2-6-2. Keep the minutes and records of the BZA’s proceedings.

2-6-3. Maintain other BZA records.

2-6-4. Keep a file of all cases which come before the BZA.

¹ Where these Bylaws refer to a person in the masculine, it is intended that the reference also include the feminine.

- 2-6-5. Prepare and be responsible for the publishing of advertisements relating to meetings and public hearings in accordance with State law.
- 2-6-6. Send out notices required by these By-laws, the Orange County Zoning Ordinance, and the Code of Virginia.
- 2-6-7. Notify the Court of any vacancy on the BZA.

ARTICLE 3 - MEETINGS

- 3-1. A regular meeting of the BZA for the hearing of cases shall be held on the third (3rd) Wednesday and as needed each month. Each regular meeting shall begin at 7:00 p.m. If no cases are pending, no meeting shall be held. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the BZA or the Chairman acting in the absence of a meeting.
- 3-2. Special meetings of the BZA may be held at the call of the Chairman 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, § 2.2-3707 *et seq.* VA Code Ann.
- 3-3. All meetings of the BZA shall be open to the public unless a closed meeting is held pursuant to the Virginia Freedom of Information Act, § 2.2-3707 *et seq.* VA Code Ann.
- 3-4. A quorum in attendance shall be at least three (3) members.
- 3-5. The BZA may recess a regular meeting if all applications or other matters scheduled for hearing cannot be disposed of on the day set, and no further public notice shall be necessary for a continuation of any such adjourned meeting.
- 3-6. The Chairman, or the Secretary in the absence of the Chairman, 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.
- 3-7. 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.* VA Code Ann.

ARTICLE 4 – ORDER OF BUSINESS

- 4-1. The order of business for a meeting of the BZA shall be:
 - 4-1-1. Call to order.
 - 4-1-2. Determination of a quorum.
 - 4-1-3. Approval of minutes.

- 4-1-4. Public hearing of scheduled, continued and deferred decision items.
 - 4-1-5. New business.
 - 4-1-6. Old business
 - 4-1-7. Adjournment.
- 4-2. The BZA shall keep minutes of all meetings in accordance with FOIA and include:
- 4-2-1. The date, time and location of the meeting.
 - 4-2-2. The members of Board recorded as present or absent.
 - 4-2-3. A summary of the discussion on matters proposed, deliberated or decided.
 - 4-2-4. A record of all votes taken.
- 4-3. The BZA may also record the meetings.
- 4-4. These minutes and any recording shall become a matter of public record.

ARTICLE 5 – POWERS AND DUTIES

- 5-1. The BZA shall have the powers and duties set forth in § 15.2-2309 VA Code Ann and Sec. 70-61 *et. seq.* of the Orange County Zoning Ordinance.

ARTICLE 6 – APPLICATIONS TO THE BZA

- 6-1. Procedures for matters before the BZA shall follow those set forth in the Orange County Zoning Ordinance Secs. 70-66 and 70-68.
- 6-2. 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.
- 6-3. The applicant may appear in his own behalf at the public hearing, or be represented by counsel or an agent.
- 6-4. The Chairman of the BZA may establish time limits on presentations at public hearings.
- 6-5. No cross-examination of speakers testifying shall be permitted, except by members of the BZA, without the permission of the Chairman.
- 6-6. The Chairman or his designee shall summarize the matter before the BZA. The zoning administrator shall then make a staff report followed by the applicant or agent's statement. The Chairman shall then hear from any citizen in favor of the application, followed by any citizen opposed to the application. He shall also accept written statements and other documentation pertinent to the matter. The applicant shall be given an opportunity for final rebuttal.

ARTICLE 7 – AMENDMENTS

- 7-1. These by-laws may be amended by an affirmative vote of a majority of those present at any meeting at which a quorum is present after 30 days prior notice, or if there is unanimous consent in open meeting (at which all members of the Board are present) to a waiver of the 30 – day notice requirement.

ARTICLE 8 – FUNDING

- 8-1. The BZA may employ or contract for, within the limits of funds appropriated by the Board of Supervisors, secretaries, clerks, legal counsel, consultants and other technical and clerical services.

ARTICLE 9 – VALIDITY

- 9-1. If any word, clause, sentence, article, section, subsection or other part or parts of these Bylaws 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.
- 9-2. The BZA shall be governed by the requirements of Title 15.2, Chapter 22, Article 7, VA Code Ann., and the Orange County Zoning Ordinance Sec. 70-61 *et seq.* Should any provision of these Bylaws be found to be in conflict with said requirements, the Code of Virginia and the Orange County Zoning Ordinance shall take precedence.