

# 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  
Amended December 2, 2014  
Amended September 21, 2022

BYLAWS  
ORANGE COUNTY BOARD OF ZONING APPEALS<sup>1</sup>

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 of the Code of Virginia, 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 of the Code of Virginia.

ARTICLE 2 – OFFICERS

- 2-1. The BZA shall elect a Chairman and a Vice Chairman during its annual organizational meeting. 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. The elected Chairman and Vice Chairman shall serve through the remainder of the calendar year, unless otherwise motioned during the nomination.
- 2-2. The BZA shall appoint a staff member to serve as Secretary, pursuant to Sec. 70-62 (b) of the Orange County Code of Ordinances. 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.
  - 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 Bylaws, the Orange County Code of Ordinances, and the Code of Virginia.
  - 2-6-7. Notify the Court of any vacancy on the BZA.

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

### ARTICLE 3 – MEETINGS

- 3-1. An annual organizational meeting shall be held in January of each year, or as soon thereafter, for the purpose of electing officers. A regular meeting of the BZA for the hearing of cases shall be held on the third (3<sup>rd</sup>) Wednesday of each month, as needed. Each regular meeting shall begin at 7:00 p.m. With the exception of the annual organizational meeting, 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 following day, unless otherwise designated by the BZA or by 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 to each member pursuant to the Virginia Freedom of Information Act, §2.2-3707 *et seq.* of the Code of Virginia.
- 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.* of the Code of Virginia.
- 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 inclement 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 weather-related 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 Interest Act in §2.2-3100 *et seq.* of the Code of Virginia.

### 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 and Determination of Quorum.
  - 4-1-2. Adoption of Agenda.
  - 4-1-3. Adoption of Minutes.
  - 4-1-4. Public Hearings.
  - 4-1-5. Other Business.
  - 4-1-6. Adjourn.

As part of the annual organizational meeting, the order of business outlined above shall include Election of Officers and Appointment of Secretary as the item immediately following Call to Order and Determination of Quorum.

- 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. These minutes shall serve as the official public record of actions taken during the meeting.
- 4-4. The BZA may also record its meetings. However, the recording shall not serve as the official record. Recordings of BZA meetings shall be retained pursuant to applicable Library of Virginia record retention schedules.

#### ARTICLE 5 – POWERS AND DUTIES

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

#### ARTICLE 6 – APPLICATIONS TO THE BZA

- 6-1. Procedures for matters before the BZA shall follow those set forth in Sec. 70-64 of the Orange County Code of Ordinances.
- 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 on 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 Bylaws may be amended by an affirmative vote of a majority of those present at any meeting at which a quorum is present.

#### ARTICLE 8 – VALIDITY

- 8-1. 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 Bylaws, nor shall it affect any application of these Bylaws that may be given effect

without the unconstitutional or invalid parts, and to this end, all provisions of these Bylaws are hereby declared to be severable.

- 8-2. The BZA shall be governed by the requirements of Title 15.2, Chapter 22, Article 7 of the Code of Virginia and Sec. 70-61 *et seq.* of the Orange County Code of Ordinances. Should any provision of these Bylaws be found to be in conflict with said requirements, the Code of Virginia and the Orange County Code of Ordinances shall take precedence.