

**Town of Colonial Beach  
Board of Zoning Appeals  
By-Laws  
2014**

**I. MEMBERSHIP**

1. The Board of Zoning Appeals, hereinafter referred to as “the Board” shall be governed by applicable State Statutes, local Ordinances and Rules, the extent that they remain in force and effect, as they are amended, or as they may be added to include the following:
  - Title 15.2, Chapter 22, Code of Virginia 1950 (as amended) Article 7, Sections 15.2-2308 – 15.2-2314
  - The Virginia Freedom of Information Act (2.1-340 et seq. - Code of Virginia)
  - The Virginia Conflict of Interest Act (2.1-6.39.1 et seq. - Code of Virginia)
  - The Town of Colonial Beach Zoning Ordinance
  - The Rules of the Board as set forth herein.
2. Upon taking office, all members of the board shall familiarize themselves with the foregoing and shall be strictly governed thereby in the conduct of board affairs.
3. Number of members, appointment, terms of compensation (if any), procedure for filling vacancies, terms of members.
4. When a member proposes to resign, if reasonably feasible, they shall give notice to the Chairperson, or make the date of resignation effective in such a manner as to allow time for appointment of replacements.

**II. OFFICERS**

1. As the first item of new business at the 1<sup>st</sup> regular meeting of the Board for each calendar year, the Board shall elect a chairperson and vice-chairperson. If such regular meeting is canceled or a quorum is lacking, the election shall be held within 36 days thereafter at a regular or special meeting following their election or appointment.
2. If present and able, the Chairperson shall preside at all meetings and hearings. If the Chairperson is absent or unable to preside the Vice-Chairperson shall preside. If both are absent or unable to preside, the members present shall appoint a temporary chairperson to preside.
3. In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order unless otherwise directed by a majority of the members in attendance on a motion duly made and passed.

4. The Clerk, who shall be appointed from the staff of the Planning Department, shall handle correspondence subject to these rules at the direction of the Board, shall send out Notices required by these rules, shall keep minutes of the Board's proceedings and shall keep a file on each case which comes before the Board.

### III. MEETING

1. Regular meetings of the Board shall be held at 5:30 p.m., in the Town Center, located at 22 Washington Street, Colonial Beach, Virginia on the 3<sup>rd</sup> Tuesday of the month provided that such meetings may be held at any other convenient place if directed by the Chairperson in advance of the meeting or upon finding that such other location would serve the public convenience or necessity.
2. Special meetings may be called at the request of the Chairperson or at the request of a quorum of the membership. Written notice of the meetings shall be given at least five days prior to such meetings and shall state the purpose and time of the meeting.
3. If the Chair or a majority of the Board believes that legal advice for the Board is necessary, the Board may request staff of the Planning Office to acquire an attorney to advise the Board. All costs of such outside counsel shall be the responsibility of the applicant.
4. An annual organizational meeting shall be held each January or February based upon the work/case load of the BZA and staff.

### IV. RULES OF PROCEDURE

1. Order of Business:

All meetings shall have a prepared agenda. The general order of business for each of the Board's regular monthly meetings shall be as follows:

Call to Order  
Approval of Minutes  
Unfinished Business  
Public Hearings  
New Business  
Adjournment

2. The Chair with a majority vote of the rest of the Board may amend the general order of the agenda of a meeting if such alteration serves the public interest.
3. If a majority of the Board fails to attend within a half hour after the time appointed for the meeting, the clerk shall enter in the minute book the names of the members present and the adjournment for want of a quorum.
3. All votes shall be recorded "yea" and "nay".
4. No motion will be acted upon until it has had a second. At this time, the Chairperson will call for a discussion.
5. A member shall address himself/herself to the Chairperson and be recognized by him/her before that member may proceed. After being recognized, the member shall not be interrupted during the time allowed him/her.

6. All debates shall be regular without altercation or personal invective and must be pertinent to the questions.
7. The Police Chief or Officer may be requested to attend the meetings of the Board to preserve quiet and order at the direction of the majority of the Board.
8. After a member has been entered as present at any meeting, he/she shall not, without leave of the Chairperson, absent himself/herself.
9. No question will be considered that is not on the agenda, unless the majority of the Board agrees.
10. All such decisions of the Board shall be made at a public meeting by motion made and seconded and by roll call vote. The motion shall be in form of findings of facts and shall state the reasons for the findings by the Board.
11. Except as otherwise specified by these rules, parliamentary procedures of the Board during meetings shall be in accord with Robert's Rules of Order.
12. The Board, in accordance with the CODE OF VIRGINIA and Robert's Rules of Order, may continue meetings at its discretion, set rules for public hearings and call special meetings as necessary.
13. The Board may upon majority vote of all Board members amend these Rules of Order during a regular meeting where such amendment would not be contrary to requirement on limitations set by state law or the Town of Colonial Beach Zoning Ordinance.
14. The Chair may make a motion or second a motion on any matter under consideration by the Board.
15. A majority vote of the members shall be required to reverse a zoning administrator's decision

V. **PUBLIC HEARING PROTOCOL**

1. The purpose of a public hearing is for the Town of Colonial Beach Board of Zoning Appeals to listen carefully to the verbal expression of position and opinion from the citizens of the Town of Colonial Beach.
2. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearing.
3. Public hearings are not question and answer sessions or debates and all statements should be addressed to the Chair.
4. Public hearings are intended to give citizens an opportunity to influence the public decision process based on prior research and discussions with appropriate public officials.
5. When members of the public offer comment, they need to clearly state their **Name and Address** prior to making their comments.

6. Applicants, or representatives of the applicant, will be allowed fifteen (15) minutes to introduce information regarding the matter advertised for public hearing. All comments are to be pertinent to the issue being considered. The Board may lengthen such time at the request of the applicant.
7. Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
8. After the Public Hearing has been closed, the applicant or representatives of the applicant will be allowed ten (10) minutes to address any issues identified by the public. The Board may lengthen such time at the request of the applicant.
9. Once the public hearing has closed no further public comment may be accepted by the Board or reflected in the minutes of the proceedings.
10. Written copies of statements made at public hearings are requested but not required.

VI. **APPLICATIONS**

1. All applications will be received by the Planning Department and shall be set for public hearing in the order in which they are received.
2. All items for the agenda for the Board of Zoning Appeal's consideration shall be filed with the Planning Department's office by 5:00 p.m., the Third Tuesday of each month for the following month's agenda or as prescribed in the zoning ordinance.
3. The Clerk of the Board shall notify all interested parties of the public hearing, schedule the case and give public notice in accordance within 15.1-431, Code of Virginia.

VII. **RECORDS**

1. A certified official copy of the rules of the Board in current form shall be available in the Office of the Planning Department, 905 McKinney Boulevard, Colonial Beach, Virginia. An additional copy shall be kept on file in Office of the Town Clerk. Additional copies shall be provided to members of the Board and made available to the public upon request.
2. Where a variance is granted, the record shall indicate in detail facts supporting the required findings and conditions or safeguards imposed by the Board; if any, and reason for such imposition. Where variance is denied, reasons for such denial shall be indicated in detail.
3. All approved variances (To-Witt) shall be recorded by the applicant at his expense in the Westmoreland County Office of the Circuit Court within 30-days of approval by the Board. To-Witts not recorded within 30-days are null and void.

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