



Dinwiddie County Board of Zoning Appeals

Date January 19, 2017

Regular Meeting Agenda - 7:00 PM

Board Meeting Room - Pamplin Administration Building

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. MINUTES

December 12, 2016 Special Meeting

Documents:

[Minutes.pdf](#)

5. ELECTION OF OFFICERS FOR 2017

Chairman

Vice Chairman

Secretary

Documents:

[2017 BZA officer nominations.pdf](#)

6. DETERMINATION OF MEETING SCHEDULE FOR 2017

Documents:

[Schedule of 2017 BZA Meetings.pdf](#)

7. CITIZEN COMMENTS

8. NEW BUSINESS

Review By-Laws

Review Code of Ethics and Standards of Conduct

Documents:

[BZA by laws.pdf](#)

[BZA Code of Ethics.pdf](#)

9. BOARD MEMBER COMMENTS

10. ZONING ADMINISTRATOR COMMENTS

11. ADJOURNMENT

VIRGINIA: MINUTES OF THE SPECIAL MEETING FOR THE DINWIDDIE COUNTY BOARD OF ZONING APPEALS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 12TH DAY OF DECEMBER 2016 AT 7:00 P.M.

PRESENT:	LANCE EVERETT	CHAIRMAN	DIST #4
	TRACY SHEETS	VICE CHAIRMAN	DIST #3
	WILLIAM SEAY		DIST #5
	WILSON YAGER		DIST #1
ABSENT:	GUY SCHEID		DIST #2
OTHERS:	MARK BASSETT	PLANNING DIRECTOR	
	JAMIE SHERRY	ZONING ADMINISTRATOR	
	TYLER SOUTHALL	COUNTY ATTORNEY	

IN RE: CALL TO ORDER

The Chairman called the special meeting to order at 7:00 p.m.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Scheid was absent.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any corrections or amendments to the agenda. The Chairman said since there are none he would entertain motion to accept the agenda. Ms. Yeager made a motion to accept the agenda. It was seconded by Mr. Seay and with Mr. Seay, Mr. Yeager, Mr. Sheets, and Mr. Everett voting "AYE" the agenda was accepted.

IN RE: CITIZEN COMMENTS

The Chairman opened the citizen comment period of the meeting. He asked if there was anyone signed up to speak.

Ms. Shelley Shipp, 7801 Squirrel Level Road, Petersburg VA said good evening, Mr. Chairman, Everett and members of the Board. I would like to thank each of you for your time and considerations in this case and for scheduling this special meeting to approve the October 20, 2016 minutes.

The minutes have omitted all of Chairman Everett's comments and explanation regarding the BZA acting as a "relief valve" for the citizens and the county.

Specifically,

- "We are the relief valve for the citizens of the County" and
- "We are appointed by the judge to be the relief valve for the county when things arise that don't conform to the ordinances."

In *Mclane v Wiseman*, 84 Va. Cir. 10 (2011) the court found “the verbatim transcript contains numerous findings of fact in support of the BZA’s decision.”

Thank you for the opportunity to speak.

Since there was no one else signed up to speak the Chairman closed the Citizen Comment period.

IN RE: MINUTES

The Chairman said we have the minutes from the October 20, 2016 regular meeting before us. He asked if there were any additional corrections to the minutes.

Ms. Sheets said on page 3 the first paragraph and last sentence under the minute’s section has the word none spelled with a “t” on the end of it. She also said on page 4 at the bottom of the page where Mr. Scheid made a second. The word “motion” should be added between “the” and “and.”

Mr. Everett asked if the word aforesaid found on page 2 was a word

Mr. Southall confirmed to the Chairman that it was a legal word.

The Chairman said if there are no more questions or corrections he would entertain a motion to accept the minutes with the noted corrections. Ms. Seay made a motion to accept the minutes with the noted corrections. It was seconded by Ms. Sheets and with Mr. Seay, Mr. Yager, Ms. Sheets and Mr. Everett voting “Aye” the minutes were accepted with corrections.

IN RE: BOARD MEMBER COMMENTS

Mr. Yeager said he would like to thank the Board for the opportunity to be on the Board of Zoning Appeals as well as learn the duties that we have. It’s been an opportunity for me to see and get educated on the job we have been appointed to do. I look forward to learning more as we go through the next few years.

IN RE: ZONING ADMINISTRATOR COMMENTS

Ms. Sherry said she wanted to wish all the members a happy holiday season and a Happy New Year.

The Chairman asked if we could count on a January meeting to organize things for next year.

Ms. Sherry said that is correct. It will be our organizational meeting on the third Thursday in January which is the 19th.

IN RE: ADJOURNMENT

Ms. Sheets made a motion to adjourn the meeting. It was seconded by Mr. Seay and with no members having any other matters to discuss Mr. Seay, Mr. Yeager, Ms. Sheets and Mr. Everette voted “AYE” and the meeting adjourned at 7:57 p.m.

Respectfully submitted:

Jamie Sherry, Principal Planner
Zoning Administrator

Signed: _____
Lance Everett, BZA Chairman

Dated: _____



Resolution

of the BOARD OF ZONING APPEALS of DINWIDDIE COUNTY, VIRGINIA

MOTION: BE IT RESOLVED, by the Board of Zoning Appeals of Dinwiddie County, Virginia that _____ shall be appointed as the Chairman of the Board of Zoning Appeals of Dinwiddie County, Virginia for the year 2017, or until he or she resigns, is unable to hold office, or until a successor assumes office.

MOTION: BE IT RESOLVED, by the Board of Zoning Appeals of Dinwiddie County, Virginia that _____ shall be appointed as the Vice-Chairman of the Board of Zoning Appeals of Dinwiddie County, Virginia for the year 2017, or until he or she resigns, is unable to hold office, or until a successor assumes office.

MOTION: BE IT RESOLVED, by the Board of Zoning Appeals of Dinwiddie County, Virginia that _____ shall be appointed as the Secretary of the Board of Zoning Appeals of Dinwiddie County, Virginia for the year 2017, or until he or she resigns, is unable to hold office, or until a successor assumes office.



Resolution

of the BOARD OF ZONING APPEALS of DINWIDDIE COUNTY, VIRGINIA

**ORGANIZATIONAL MEETING OF THE BOARD OF ZONING APPEALS
SCHEDULE OF MEETINGS AND DATES FOR 2017**

WHEREAS, the Board of Zoning Appeals of Dinwiddie County, Virginia, in accordance with the Code of Virginia, 1950, as amended may adopt a regular meeting schedule,

NOW THEREFORE BE IT RESOLVED by the Board of Zoning Appeals of Dinwiddie County, Virginia, that the following rules shall apply for the year 2017:

1. Regular Meetings of the Board shall be held every other month, on the third Thursday of the month, as shown on the attached 2017 calendar, in the Board Meeting Room in the Pamplin Administration Building, 14016 Boydton Plank Road, Dinwiddie, Virginia. The Regular Meeting time shall be 7:00 p.m. unless otherwise noted.
2. Should it be necessary to cancel a regular and/or an advertised Board of Zoning Appeals meeting due to weather or other conditions, the meeting shall be continued for 7 days to the same time and place.

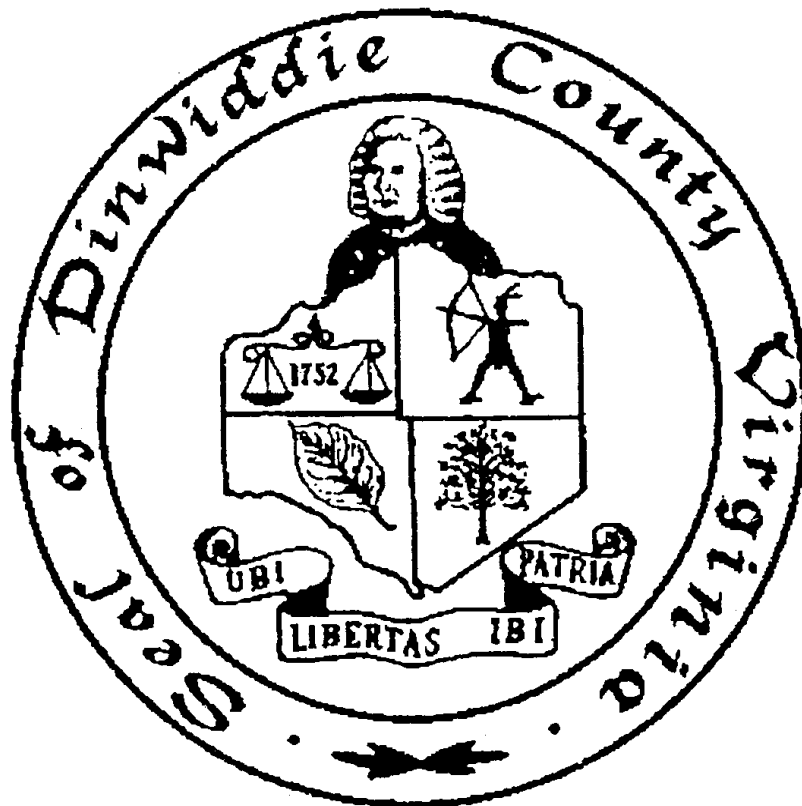
The regular meeting dates are as follows:

January 19, 2017
March 16, 2017
May 18, 2017
July 20, 2017
September 21, 2017
November 16, 2017

*Note: The organizational meeting for the calendar year 2018 will be held on January 18, 2018 at 7:00 p.m.

Board of Zoning Appeals

By Laws



DINWIDDIE COUNTY

Dinwiddie, Virginia

TABLE OF CONTENTS

Articles

1. *Objectives*
2. *Members*
3. *Officers and Their Selection*
4. *Duties of Officers*
5. *Meetings*
6. *General Rules of Procedure*
7. *Citizen Comment Period*
8. *Voting*
9. *Public Hearings*
10. *Committees*
11. *Amendments*

Board of Zoning Appeals By Laws

ARTICLE 1 - OBJECTIVES

1-1 *The Dinwiddie County Board of Zoning Appeals ("Board") is established to administer the powers and duties set forth in Chapter 22, Title 15.2, Article 7 of the Code of Virginia and all amendments or changes thereto. As defined in Chapter 22, Article 3 of the Code of Dinwiddie County these powers and duties are:*

- a. *To hear appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of zoning ordinances.*
- b. *To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship; provided, that the spirit of the zoning ordinance shall be observed and substantial justice done.*
- c. *To hear and decide appeals from the decision of the zoning administrator or applications for such special exceptions as may be authorized by Chapter 22 of the Code of Dinwiddie County.*

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

ARTICLE 2 - MEMBERS

2-1 *The Board shall consist of five (5) members appointed by the Circuit Court of the County. One of the members may be a member of the Planning Commission. All members must reside within Dinwiddie County.*

2-2 *The term of the members are terms for five (5) years. Their successors shall be appointed for terms of five (5) years. Any member shall be eligible for reappointment. Any vacancy in membership shall be filled by an appointment by the Circuit Court of the County and all vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall not hold any other public office in the locality with the exception that one member may be a member of the Planning Commission.*

2-3 *Any appointed member may be removed for cause by the appointing authority upon written notice and after a public hearing. Any member shall be disqualified to act upon a matter before the Board with respect to property in which the said member has an interest.*

ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1 *The officers of the Board shall consist of a Chairman, Vice-Chairman, and a Secretary.*

3-2 *Nomination of the Chairman and Vice-Chairman shall be made from the floor at the first meeting of each calendar year. Election of officers shall follow immediately.*

3-3 *A candidate receiving a majority vote of the entire membership of the Board shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor takes office.*

3-4 *At the Board's first meeting of each year, the Board shall appoint a Secretary who shall be a salaried employee of the Planning Department. The Secretary shall not be entitled to vote on matters before the Board. In the absence of the Secretary, the Director of Planning shall designate a staff member to serve as Temporary Secretary.*

3-5 *Officer vacancies shall be filled immediately by regular election procedures.*

ARTICLE 4 - DUTIES OF OFFICERS

4-1 *The Chairman shall be a member of the Board and shall:*

- a. *Preside at all meetings and hearings of the Board.*
- b. *Appoint committees, special and/or standing, that are necessary for the business of the Board.*
- c. *Promote the orderly and expeditious conduct of meetings.*
- d. *Rule on all procedural questions. (Subject to a reversal by two-thirds (2/3) majority of the members present).*
- e. *Ensure new members are properly oriented to the Board bylaws and rules of order.*
- f. *The Chairman may speak in discussion, and vote on all questions.*
- g. *Carry out other duties as assigned by the Board.*

4-2 *The Vice-Chairman shall be a member of the Board and shall:*

- a. *Perform the duties of the Chairman in the absence or disability or at the request of the Chairman.*

4-3 *The Secretary shall be a non-member of the Board and shall:*

- a. *Receive all applications for appeals to the Board and shall request of the applicant all information and collect other such information required to advise the Board fully of the issues before it.*
- b. *Advertise all public hearings and notify the parties in interest of all hearing as required by law and these bylaws.*

- c. *Keep all papers relating to an application, including written documentation of the decision of the Board, as part of the records of the Board and shall file such records in the Office of the Board as public records.*
- d. *Keep the minutes of the Board's proceedings and other official actions and shall file them in the Office of the Board as public records.*
- e. *Notify all applicants of the final action of the Board on applications for variances and special exceptions, appeals, and any other item over which the Board has jurisdiction.*
- f. *Notify the Vice-Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman (or Vice-Chairman) will not attend a Board meeting.*

ARTICLE 5 - MEETINGS

5-1 The Board shall adopt a regular meeting time, location and schedule for the year at its first regular meeting of each year.

5-2 All regular meetings shall be open to the public.

5-3 A quorum must be present at all meetings to transact any official business. A quorum of the Board shall consist of three (3) of the five (5) members of the Board.

- a. *If a quorum is not present, the Board's agenda shall be moved to the next regular or special meeting of the Board.*
- b. *An abstention, although not a vote in favor or against a motion, shall be counted as a vote for the purpose of determining a quorum.*

5-4 The order of business for a regular meeting shall be as follows, unless amended by a majority of the Board:

- a. *Call to order by Chairman.*
- b. *Roll Call to determine quorum.*
- c. *Review and approval of minutes from previous meetings.*
- d. *Review agenda.*
- e. *Citizen Comments - unrelated to agenda items.*
- f. *Public Hearings.*
- g. *Unfinished Business.*
- h. *New Business.*
- i. *Adjournment.*

5-5 All motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.

5-6 The Chairman of the Board may, at his discretion, administer oaths and compel the attendance of witnesses.

5-7 The Board shall keep a set of minutes of all regular meetings, and these minutes shall be a public record.

5-8 Board members are encouraged to attend all meetings, regular and special, and to notify the Chairman or Secretary as soon as possible if unable to attend a meeting. Any member who misses three (3) regular meetings in succession, or fails to attend at least sixty percent (60%) of regular scheduled meetings during any calendar year, without sufficient justification, is subject to recommendation by the Board to the appointing authority for removal from office.

ARTICLE 6 - GENERAL RULES OF PARLIMENTARY PROCEDURE

6-1 The Board's Parliamentary Procedures shall be Robert's Rules of Order, Newly Revised, 10th edition, specifically to include Section 49, Conduct of Business in Boards, pages 469-471, in all matters not covered by the Board's bylaws, to the extent compatible with law and the historical practices of the Board. The County Attorney, or his or her designee, shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules shall be addressed to the County Attorney. The Board may amend, by Resolution, the rules as it deems appropriate. The following rules shall apply:

- a. Members are not required to obtain the floor before making motions or speaking, which they may do while seated.
- b. Motions need not be seconded. If a motion is not seconded, the Chairman shall decide if vote is taken on the motion or if a motion is dead.
- c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- d. Informal discussion of a subject is permitted while no motion is pending.
- e. The Chairman may speak in discussion without leaving the chair, can vote on all questions, but cannot make motions unless by consent of a majority of Board members present.
- f. When any Board member determines, prior to the calling of any issue before the Board, that he, because of conflict or otherwise, will abstain from voting on such issue, he shall announce such intention at the time the issue comes before the Board and shall not participate in the discussion on such issue or question.
- g. In the incidence of a tie the voted upon issue by the Board is dead and therefore voted down.
- h. Only Board members and the Parliamentarian shall have standing to raise noncompliance with these General Rules of Procedure, and only during the current meeting at the time of violation. Failure of the Board to comply with these General Rules of Procedure shall not invalidate any action taken by the Board.

ARTICLE 7 - CITIZEN COMMENT PERIOD

To ensure that the affairs of the Board and its committees may be conducted in an orderly manner, to ensure that all persons desiring to address the Board on matters pertinent to it are afforded an opportunity to do so, to permit persons in attendance to observe and hear the proceedings of the Board without distraction, and to permit to the fullest extent the Board to conduct County business with minimal disruption the following rules are established. Any individual, who does not abide by the following rules, after a warning, may be asked to leave the meeting.

7-1 Rules for Citizen Comment Period

- a. Each person desiring to speak must sign up in advance of the opening of the Citizen's Comment Period on the agenda.*
- b. Each speaker shall be limited to a period of three (3) minutes per comment period; when two (2) minutes have passed the speaker will be reminded that there is one (1) minute remaining. Specified time limits may vary at the discretion of the Chairman.*
- c. Speakers who have signed up may use their allotted time only for themselves and may not donate their time to other speakers.*
- d. Comments must be confined to matters germane to the business of the Board of Zoning Appeals and shall not be cumulative or repetitive.*
- e. Speakers should address the Board with decorum – loud, boisterous, and disruptive behavior, obscenity, and vulgarity should be avoided, as well as other words or acts tending to evoke violence or deemed to be a breach of the peace.*
- f. The Citizens' Comment Period is not intended to be a question and answer period or for dialogue with County officials. Questions which are raised during a comment period may at the discretion of the Board be responded to by County officials after sufficient time for investigation.*
- g. Speakers shall remain at the podium while addressing the Board.*
- h. Speakers shall not be interrupted by audience comments, calls/whistles, laughter, or other gestures.*

These rules do not preclude persons from delivering to the Board or County Planner written materials including reports, statements, exhibits, letters, or signed petitions or to prohibit persons from presenting oral or written comments on any subject germane to the business of the Board to individual Board members or the Board through the County Planner outside the context of the public meeting.

ARTICLE 8 - VOTING

8-1 All matters to be voted upon shall be stated in the form of a motion.

8-2 All matters before the Board that require a majority vote shall be by roll call.

8-3 A favorable vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

8-4 A tie vote means the defeat of the motion.

8-5 No member shall abstain from voting on a roll call unless he/she has a conflict of interest in the matter being voted upon, and so states for the record, or unless by the consent of a majority of members present.

ARTICLE 9 - PUBLIC HEARINGS

9-1 All public hearings will be advertised in accordance with the Virginia Code. No action at a public hearing shall be taken until after notice of intention so to act has been published once a week for two (2) successive weeks in some newspaper published or having general circulation in Dinwiddie County. The term two successive weeks shall mean that such notice shall be published at least twice in such newspapers with not less than six (6) days elapsing between the first and second publication. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, which the time of hearing shall be not less than five (5) days nor more than twenty-one (21) days after the second advertisement appears in the newspaper.

9-2 In addition to those required by law, the Board at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

9-3 The procedure for a public hearing shall be as follows:

- a. The Chairman calls for the item.
- b. The Secretary, or staff, reads the request and recommendation.
- c. Applicant's presentation.
- d. Interested citizens' presentation in opposition/support.
- e. Additional time for presenters, as permitted by the Chairman.
- f. Questions, if any, from the Board members.
- g. Chairman closes public hearing and the Board votes.

9-4 The following rules shall govern the conduct of public hearings:

- a. The applicant shall have ten (10) minutes to address the Board and present written and/or oral comments. Individuals who have signed up to comment on the case shall have three (3) minutes to present written and/or oral comments. All comments shall be directed to the Board, not the audience or other individuals. Specified time limits may vary at the discretion of the Chairman.

- b. *After all persons who desire to address the Board have had the opportunity to do so, the Chairman may grant additional time to persons who have spoken previously.*
- c. *The Chairman may terminate the hearing at any time after all persons who desire to address the Board have had one (1) opportunity to do so.*
- d. *Board members may question each speaker at the end of his/her presentation.*
- e. *When a matter is set for a public hearing, it shall be heard even though no one in favor of, or in opposition to, the matter appears at the hearing unless it is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Board may proceed to dispose of the application or defer it to another meeting. The applicant may withdraw an application at any time prior to the Board's action.*

ARTICLE 10 - COMMITTEES

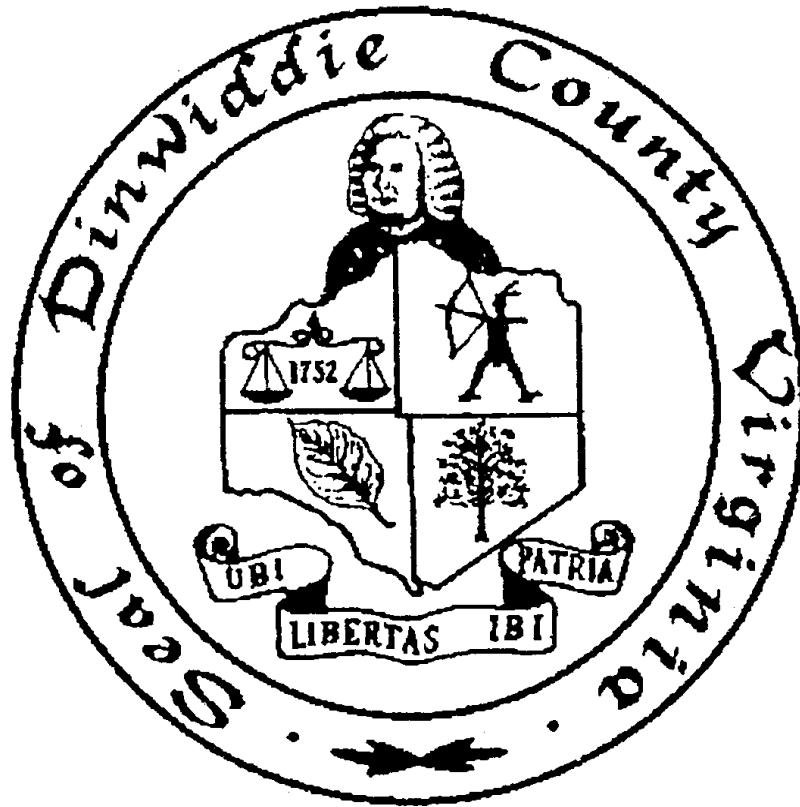
10-1 Special Committees may be appointed by the Chairman for the purposes and terms approved by the Board.

ARTICLE 11 - AMENDMENTS

11-1 The Board bylaws may be amended by a recorded majority vote of the entire membership of the Board provided that written notice has been given to all members of the Board and a copy of the proposed amendment is sent with the notice, prior to said meeting.

11-2 The Board bylaws may be suspended in whole or in part upon the unanimous vote of Board members present, relating to any matter before it.

Board of Zoning Appeals Code of Ethics



DINWIDDIE COUNTY

Dinwiddie, Virginia

CODE OF ETHICS AND STANDARDS OF CONDUCT FOR MEMBERS OF THE DINWIDDIE COUNTY BOARD OF ZONING APPEALS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Dinwiddie County Board of Zoning Appeals should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a part to their evasion.
2. Put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that provide equal opportunity to all citizens without regard to national origin, race, color, religion, gender, age, disability, pregnancy, or sexual orientation.
6. Ensure the integrity of the actions of the Board by conducting official and private affairs in a way that clearly conveys that you cannot be improperly influenced in performing your official duties.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.
8. Engage in no business with the County government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of Board duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
9. Never use any information gained confidentially in the performance of Board duties as a means of making private profit.
10. Expose, through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
14. Review orally and in public session, at the annual organizational meeting, each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.