

Dinwiddie County Board of Zoning Appeals

January 18, 2018

Organizational/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

Documents:

[January 19, 2017 Organizatio-Regular Meeting.pdf](#)

[July 20, 2017 Workshop Meeting.pdf](#)

[September 21, 2017 Workshop Meeting.pdf](#)

5. ELECTION OF OFFICERS FOR 2018

Documents:

[2018 BZA officer nominations.pdf](#)

6. DETERMINATION OF MEETING SCHEDULE FOR 2018

Documents:

[Schedule of 2018 BZA Meetings.pdf](#)

[2018 BZA calendar public.pdf](#)

7. CITIZEN COMMENTS

8. OLD BUSINESS

Documents:

[Bylaw Resoution Memo 2018.pdf](#)

[Draft BZA Bylaws - January 2018- mark up.pdf](#)

[Draft BZA Bylaws -for adoption consideration 2018.pdf](#)

[BZA Code of Ethics.pdf](#)

9. BOARD MEMBER COMMENTS

10. ZONING ADMINISTRATOR COMMENTS

11. ADJOURNMENT

VIRGINIA: MINUTES OF THE ORGANIZATIONAL AND REGULAR MEETING FOR THE DINWIDDIE COUNTY BOARD OF ZONING APPEALS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 19th DAY OF JANUARY 2017 AT 7:00 P.M.

PRESENT: TRACY SHEETS VICE CHAIRMAN
LANCE EVERETT CHAIRMAN
WILSON YAGER
WILLIAM SEAY

ABSENT: DONNIE BOSTIC

OTHERS: JAMIE SHERRY ZONING ADMINSTRATOR

IN RE: CALL TO ORDER

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

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Bostic was not present.

IN RE: APPROVAL OF AGENDA

The Chairman said you have the agenda before you. He asked if there were any corrections. He said since there are no corrections he would entertain a motion to accept the agenda as presented.

Upon a motion by Ms. Sheets and a second by Mr. Yager and with Mr. Yager, Ms. Sheets, Mr. Seay and Mr. Everett voting "Aye" the Agenda was approved.

IN RE: MINUTES

The Chairman said you have the minutes from the December 12, 2016 special meeting before you. He asked if there were any corrections.

Mr. Yager said on page 1 under "approval of agenda" his name and gender as well as Ms. Sheets gender is incorrect. He said his name is also spelled wrong on Page 2.

The Chairman asked if there are any other corrections. He said since there are no corrections he would entertain a motion to accept the minutes as read.

Upon a motion by Mr. Seay and a second by Ms. Sheets and with Mr. Seay, Ms. Sheets, Mr. Yager and Mr. Everett voting "Aye" the minutes were approved with corrections.

The Chairman said he was turning the meeting over to Ms. Sherry so that she could conduct the election of a new BZA Chairman.

IN RE: ELECTION OF OFFICERS FOR 2017

Ms. Sherry opened the nominations for **Chairman** and asked for any nominees. Mr. Seay said he nominates Ms. Sheets to be the new Chairman. Mr. Yager seconded the motion. There being no other nominations Ms. Sherry closed the nominations. With all the members present voting “AYE” Ms. Sheets became the new Chairman.

The following resolution pertains to the Chairman: BE IT RESOLVED, by the Board of Zoning Appeals of Dinwiddie County, Virginia that Lance Everett 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.

Ms. Sherry turned the meeting back over to the new Chairman.

Ms. Sheets opened the nominations for **Vice Chairman** and asked for any nominees. Mr. Everett said he nominates Mr. Yager for Vice Chairman. Mr. Seay seconded the motion. There being no other nominations Ms. Sheets closed the nominations. With all the members present voting “AYE” Mr. Yager became the Vice Chairman.

The following resolution pertains to the Vice Chairman: BE IT RESOLVED, by the Board of Zoning Appeals of Dinwiddie County, Virginia that Tracy Sheets 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.

Ms. Sheets opened the nominations for **Secretary** and asked for any nominees. Mr. Seay said he nominates Mr. Gurley for Secretary. Mr. Everett seconded the motion. There being no other nominations Ms. Sheets closed the nominations.

The following resolution pertains to the Secretary: BE IT RESOLVED, by the Board of Zoning Appeals of Dinwiddie County, Virginia that Alvin Gurley 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.

IN RE: DETERMINATION OF MEETING SCHEDULE FOR 2017

Ms. Sheets asked for a motion to accept the 2017 Meeting Schedule for the Board of Zoning Appeals. Mr. Everett made a motion and it was seconded by Mr. Seay and with all members present voting “AYE” the meeting schedule and dates were approved as presented.

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
July 20, 2017

March 16, 2017
September 21, 2017

May 18, 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.

IN RE: CITIZEN COMMENTS

The Chairman opened the citizen comment period of the meeting. She asked if there was anyone signed up to speak. He said since there was no one he was closing the citizen comment period.

IN RE: NEW BUSINESS

Ms. Sherry said to follow up on the discussion that we have had over the last couple of months particularly with Mrs. Pandack who recommended that we revisit our by-laws as well as our code section that is something we could address in the upcoming months. I can work with Mr. Southall to make sure we cover the proper way of advertising, when we do make by-law changes. Ms. Sherry also said the by-laws do not have to be read or voted on, but she would have to read the Code of Ethics once they are finished discussing any other concerns.

Ms. Sheets asked the Board Members if they have any comments to what Ms. Sherry has said or anything they wanted to discuss concerning the By-Laws. She said since there are none Ms. Sherry could go forward with reading the Code of Ethics.

Ms. Sherry read the following:

**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.

IN RE: BOARD MEMBER COMMENTS

Mr. Seay thanked staff for all their good work done in 2016.

Mr. Everett said he was proud of the way this Board handled the Mr. Trent case. There was a lot of material we had to go through and I am glad we gave the case the time it needed.

Ms. Sheets said she was glad we found the lawyer we did, she seemed to be very competent.

IN RE: ZONING ADMINISTRATOR COMMENTS

Ms. Sherry informed the members that Mrs. Shipp, the adjacent property owner, has filed an appeal to this board's decision. It is expected that the case will be heard sometime in February. This type of case usually is heard around the third Tuesday of the month. Mr. Southall and I have been working with the two party's trying to make sure everything is going the proper way before we get to court.

Mr. Seay asked if the hearing was going to be at the Dinwiddie County Court House.

Ms. Sherry said yes.

Mr. Everett asked if any board member needs to be present.

Ms. Sherry said she is not sure if any board member will be served. At this point Mr. Southall is representing the Board of Supervisors. He could during his representation for the Board of

Supervisors make the point that he agrees with the Board of Zoning Appeals decision or the County feels otherwise.

Mr. Everett asked if the members could be sent an email when the case goes to court

Ms. Sherry said yes. She added that she would keep the members in the loop the best she could.

Mr. Seay asked what Ms. Shipp wants now.

Ms. Sherry said she is appealing the BZA's decision.

Ms. Sheets asked would Ms. Shipp be speaking.

Ms. Sherry said yes. She said she assumes Ms. Shipp will be saying that the BZA's decision was in error and that the Variance should not have been granted. That means it would go back to the decision of the letter that was written saying that Mr. Trent could only use his building possibly as a general store or nothing at all. There has been some discussion, not trying to talk legal matters, about a couple of other ways this matter could possibly be resolved. I will keep you in the loop if there is any need for the members to be in attendance.

IN RE: ADJOURNMENT

The Chairman said we are at adjournment. Mr. Seay made a motion to adjourn and Mr. Everett seconded it. The Chairman said all those in favor and all members present voted "AYE". She asked if anyone opposed and there was no one so she adjourned the meeting at 7:20 p.m.

Respectfully submitted:

Jamie Sherry, Principal Planner
Zoning Administrator

Signed: _____
Tracy Sheets, BZA Chairman

Dated: _____

VIRGINIA: MINUTES OF THE WORKSHOP MEETING FOR THE DINWIDDIE COUNTY BOARD OF ZONING APPEALS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 20th DAY OF JULY 2017 AT 6:00 P.M.

PRESENT: TRACY SHEETS CHAIRMAN
DONNIE BOSTIC
WILSON YAGER VICE CHAIRMAN
WILLIAM SEAY

ABSENT: LANCE EVERETT

OTHERS: JAMIE SHERRY ZONING ADMINSTRATOR

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 6:09 p.m.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Everett was not present.

IN RE: APPROVAL OF AGENDA

The Chairman said our next item is to approve the agenda for the workshop.

Ms. Sherry said she has placed on each BZA members work stations as well as in the audience some suggestions to our bylaws that were reviewed by the part time County Attorney. She stated she would like to add those suggestions to the agenda.

The Chairman said as we are getting started a little late and there is a lot of material to cover, she stated she would like to time box each part just to keep things moving along. She added if we get to some point of discussion where research needs to be done, she stated she would like to parking lot that point so the meeting could continue moving forward.

The Chairman said with that said and the addition from Ms. Sherry does anyone else have any other changes to the agenda. She said if not she would entertain a motion to accept the agenda with the additions.

Upon a general consensus from each BZA member present to accept the agenda, with the addition from Ms. Sherry, the agenda as approved.

A citizen in the audience, who had provided a packet and given a letter to the BZA Chairman requesting that the workshop agenda be amended to include a 3 minute Citizen Comment period, asked if she would get the opportunity to read her comments concerning the BZA's review of its bylaws.

The Chairman reminded the citizen that this was a workshop meeting and not a regular meeting where citizen comments are normally made.

Ms. Sherry informed the Chairman that, at this time, the BZA members could vote on whether to have the citizen comment period or not. The Chairman asked the members if they wanted to add a citizen comment period to the agenda. Mr. Yeager made a motion not to have a citizen comment period added to the agenda. It was seconded by Mr. Seay and with Mr. Yager, Mr. Seay and Ms. Sheets in agreement no citizen comment period was added.

IN RE: BZA BYLAWS REVIEW – Current Bylaws

Ms. Sherry said there was a lot of information in the packet and she will try to stay on target so you will not be over whelmed with it all. She said we will start with going through our bylaws that have suggested comments from Mr. Drewry, who assist the County Attorney part-time. She stated his comments are marked in red and they are by no means meant to be exhaustive. The information that she covered is listed below.

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.~~ Suggestion: Add- and in accordance with Va. Code § 15.2-2309; or add – and the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance.
- 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.
- 5-9 Suggestion: Add- Non-legal staff of the governing body, applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the meeting but may not discuss the facts or law relative to a particular case, and must be in accordance with Va. Code § 15.2-2308.1.

Ms. Sheets suggested language be added to clarify that when there are no cases, regular meetings can be cancelled.

Mr. Seay said in the past if we had a case coming to the BZA, a couple of us would go to the site. We would meet the applicant there to discuss the request. Can we do that or should we do that?

Ms. Sherry said you are not allow to talk about the case one on one with the applicant. The intent of the code is to even the playing field, giving not only the applicant, but the aggrieved parties, the same amount of time before the Board to plead their case.

Mr. Seay said he thinks all the BZA members should look at the property and do their homework surrounding it.

Ms. Sherry said there are ways to do that, but conversing directly with the applicant is not allowed.

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,~~ 11th Edition 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, except any appeal taken pursuant to Va. Code § 15.2-2311, in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
- 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.

Ms. Sheets suggested we add language to address adjourning and reconvening if a case looks like it may go over four hours.

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~~ a 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.

Ms. Sheets said she would like to add an article 12, which would be “SEVERABILITY”. This is so if anything in the bylaws are inconsistent with the state code, it does not nullify them.

IN RE: BZA BYLAWS REVIEW – State Code

Ms. Sherry presented the members with some Code of Virginia information concerning Title 15.2 and Chapter 22, which is Planning, Subdivision of Land and Zoning. She did not read the codes word for word. She went through each code stating briefly what the code was and entailed. Those code sections were:

- 15.2-2201 Definitions
- 15.2-2308 Board of Zoning Appeals to be created; membership, organization, etc.
- 15.2-2308.1 Board of Zoning Appeals, ex parte communications, proceedings
- 15.2-2309 Powers and duties of Board of Zoning Appeals
- 15.2-2310 Applications for special exceptions and variances
- 15.2-2311 Appeals to board
- 15.2-2312 Procedure on Appeal
- 15.2-2313 Proceedings to prevent construction of building in violations of zoning Ord.
- 15.2-2314 Certiorari to review decision of board

Ms. Sherry asked the members if they wanted to refer to all the code sections in a general reference rather than to cut and paste directly from the code.

There was an agreement to that from all of the BZA members.

IN RE: BZA BYLAWS REVIEW – Sample Bylaws

Ms. Sherry reviewed a few sample bylaws from localities that had updated their bylaws to reflect the 2015 General Assembly changes. She stated most of the localities in Virginia had not updated their bylaws as of yet. Henrico County does not have something called bylaws. They use “Rules of Procedure.” Their Rules of Procedure language is written a little different than what you would see in a BZA.

Mr. Seay asked when did most of the localities that we have in our packets updated their bylaws.

Ms. Sherry said all the localities that you have in your packet before you were updated after 2015.

Mr. Seay ask if the corrections or additions that we are putting in place tonight for our bylaws, which are small changes to the 2015 state bylaws, will bring us in compliance.

Ms. Sherry said yes they will.

Mr. Seay asked if the BZA was going to vote tonight on the changes that were discussed tonight.

Ms. Sherry said no. She stated she would take the information and direction that was given to her tonight and will type up the bylaws with these revisions. She said she will mark clearly any changes that are made. It will be similar to how Mr. Drewry did for us tonight. She said she will provide it to the board ahead of time, so you can look at it before the next meeting. At that meeting, you can state what you like or dislike about the changes that were made. If the Board is in agreement with the changes, you could then move forward with a meeting to approve the bylaws.

Mr. Seay asked if there was a deadline on all of this.

Mr. Sherry said there is no statutory requirement for us to have the bylaws readopted. She stated that she needed to know whether the Board wanted to include everything in the code, just references to the code or something in-between. She stated that she will bring back somewhere in-between leaning closer to less is better, based on what the Board stated. Ms. Sherry went on to say that the other bylaws from the various County's that were selected, all have slight variations in them. Some don't have public comments in their regular meetings. Some even address how many meetings you can miss before you are removed.

Mr. Yeager asked if there is a state requirement that says you have to attend so many meetings before being removed.

Ms. Sherry said the code is a little more general than that. It references the process to remove a member, but not about the number of meetings missed.

At the conclusion of looking at the sample bylaws Ms. Sheets asked what time frame is staff looking at having the bylaws ready to be reviewed.

Ms. Sherry said she could have them ready for review at a September meeting if that is what the Board would like. She stated the Board would not be voting on the bylaws in September, because you would not have a document to vote on. She stated she would bring a document to you with the changes in September. The Board will make any corrections or additions and then we will move forward with at the next regular meeting to approve the bylaws.

Ms. Sheets said if there is a case to be heard in September, we should have a regular meeting to hear the case. If there is no case, then we could have a workshop to look at the corrections and or additions.

Ms. Sherry said that would be okay.

IN RE: EMAIL SETUP

Ms. Sherry took some time to show the BZA members how to access their Dinwiddie County email address that was given to them.

IN RE: ADJOURNMENT

The Chairman said we are at adjournment. Mr. Yeager made a motion to adjourn and Mr. Seay seconded it. The Secretary asked were all members in favor and all members present voted "AYE". The meeting adjourned at 7:45 p.m.

Respectfully submitted:

Jamie Sherry, Principal Planner
Zoning Administrator

Signed: _____
Tracy Sheets, BZA Chairman

Dated: _____

DRAFT

VIRGINIA: MINUTES OF THE WORKSHOP MEETING FOR THE DINWIDDIE COUNTY BOARD OF ZONING APPEALS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 21ST DAY OF SEPTEMBER 2017 AT 6:00 P.M.

PRESENT: TRACY SHEETS CHAIRMAN
DONNIE BOSTIC
WILSON YAGER VICE CHAIRMAN

ABSENT: WILLIAM SEAY
LANCE EVERETT

OTHERS: JAMIE SHERRY ZONING ADMINSTRATOR

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 6:07 p.m.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Everett and Mr. Seay was not present.

IN RE: APPROVAL OF AGENDA

The Chairman said we have the agenda before us are there any additions or corrections. She said sent there are none she would entertain a motion to accept the agenda as presented.

Upon a general consensus to accept the agenda from each BZA member it was approved as presented.

IN RE: BZA BYLAWS REVIEW – Current Bylaws

Ms. Sherry said there was a lot of information in the packet and she will try to stay on target so you will not be over whelmed with it all. She said we will start with going through our bylaws that have suggested comments from Mr. Drewry, who assist the County Attorney part-time. She stated his comments are marked in red and they are by no means meant to be exhaustive. The information that she covered is listed below.

IN RE: BZA BYLAWS REVIEW

Ms. Sherry presented the members with the deletions and additions that were discussed at the last Board of Zoning Appeals workshop. She said the underlines are new text and deletions are in strike through. She reminded them that they agreed to the strike through items, which are the verbatim draft suggestions made by Mr. Drewry. She asked the members how they felt about the numbering within the code. Are you committed to it being 1-1 or 1-2? She said that kind of numbering is somewhat hard to work with. She suggested that the numbering would go to the standard 1 then a, b, c etc.

All members present said they were okay with the standard way of numbering.

Ms. Sherry then went through the code with the members looking at all the deletions and all the additions. That information is listed below:

**Dinwiddie County
Board of Zoning Appeals Bylaws
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
12. Severability

These bylaws are written rules of conduct for the Dinwiddie County Board of Zoning Appeals and are intended to establish best practices for meeting behavior and structure, but are not required by code.

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, and the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance.~~
- 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 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.
- g. The BZA Secretary or another member of the Planning staff, on behalf of the Secretary, shall prepare and file an Annual Report of the BZA with the Board of Supervisors. **The Vice Chairman suggested we add BZA in front of Secretary.**

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. In the event there are no cases requiring a public hearing, the meeting can be cancelled at the discretion of the Chairman. **The Chairman wanted to add this additional statement, "If no cases are pending, the Board of Zoning Appeals may hold its regular meeting to receive training or to consider matters brought before it by the Secretary. The Chairman said what had her thinking that was when the General Assembly leaves session and everything is voted in, if we don't have any cases for the next scheduled meeting, I wanted that meeting to be the one where we could get briefed on any changes that may impact us.**

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. **The Chairman asked if this could be changed to Old 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.
- 5-9 Non-legal staff of the governing body, applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the meeting but may not discuss the facts or law relative to a particular case, and must be in accordance with Va. Code § 15.2-2308.1.
- 5-10 If a meeting exceeds four hours, the Chairman may continue the meeting until the next meeting. If there is a public hearing on the agenda, it can be continued without the need to re-advertise.
- 5-11 Special meetings of the Board may be called at any time by the Chairman or in the absence or unavailability of the Chairman, by the Vice-Chairman. The Secretary shall contact all members, at least five (5) days in advance of a special meeting, informing them to the time and place of the meeting and the purpose thereof. If the special meeting is to hear a variance case or an appeal to the Board, then all advertisement requirements of a public hearing shall be met.

ARTICLE 6 - GENERAL RULES OF PARLIMENTARY PROCEDURE

- 6-1 The Board's Parliamentary Procedures shall be **by the most current addition of** Robert's Rules of Order, Newly Revised, 10th ~~edition, specifically to include Section 49, Conduct of Business in Boards, pages 469-471,~~ 11th Edition 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, except any appeal taken pursuant to Va. Code § 15.2-2311, in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
- 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 not be related to agenda items and 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, except any appeal taken pursuant to Va. Code § 15.2-2311, in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
- 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~~ a 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 support/opposition.
 - e. Applicant's rebuttal.
 - f. Additional time for presenters, as permitted by the Chairman.
 - g. Questions, if any, from the Board members.
 - h. 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.
- f. Upon the BZA making a decision, the applicant or appellant shall be advised that an appeal of such decision must be filed within 30 days from the date of that decision.

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.

ARTICLE 12 – SEVERABILITY

12-1 If any word, clause, sentence, section, subsection or other part of 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 .

Ms. Sherry reminded the members that Article 12 as requested was added. She said it was cut and pasted from Fairfax County. She asked the members if they had any additional suggestions. She mentioned that she would get them a clean copy with plenty of notice. She stated to them that there is no statutory requirement for getting it back for them. She asked the members if they wanted to vote on the bylaws at the next regular meeting in November.

Mr. Bostic said that is Thanksgiving Day.

Mr. Yeager suggested that we wait until we have our first meeting of the year which is in January instead of trying to change dates.

Ms. Sherry said that is fine, but if there is a case in November we will present it at that time.

IN RE: ADJOURNMENT

The Chairman asked if there was anything else. She said since there is nothing else I motion that we adjourn. Mr. Bostic made seconded it. The meeting adjourned at 6:30 p.m.

Respectfully submitted:

Jamie Sherry, Principal Planner
Zoning Administrator

Signed: _____
Tracy Sheets, BZA Chairman

Dated: _____

DRAFT



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 2018, 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 2018, 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 2018, 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 2018

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 2018:

1. Regular Meetings of the Board shall be held every other month, on the third Thursday of the month, as shown on the attached 2018 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. If a meeting with an advertised public hearing is canceled due to weather or other conditions, it shall be continued for 7 days to the same time and place. If no cases are pending, the Board may cancel the meeting or the Board may hold the meeting to receive training or to consider matters brought before it by the Secretary of the BZA.

The regular meeting dates are as follows:

January 18, 2018
March 15, 2018
May 17, 2018
July 19, 2018
September 20, 2018
November 15, 2018

*Note: The organizational meeting for the calendar year 2019 will be held on January 17, 2019 at 7:00 p.m.

JANUARY						
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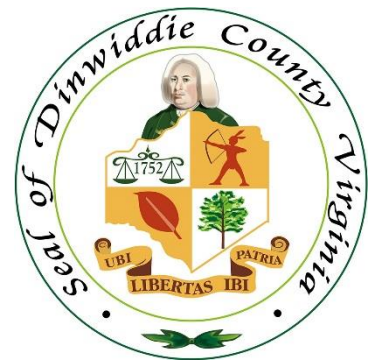
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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30	31					



COUNTY OF DINWIDDIE

BOARD OF ZONING APPEALS

2018

SCHEDULE OF PUBLIC MEETINGS

Unless otherwise noticed:

REGULAR MEETINGS, shown in **RED**, are held on the **THIRD THURSDAY** of every other month at **7:00 PM**.

LOCATION:
BOARD MEETING ROOM
Pamplin Administration Building
14016 Boydton Plank Road
Dinwiddie, Virginia 23841

If a meeting with an advertised public hearing is canceled due to weather or other conditions, it shall be continued for 7 days to the same time and place. If no cases are pending, the Board may cancel the meeting or the Board may hold the meeting to receive training or to consider matters brought before it by the Secretary of the BZA.

Mailing address:
P. O. Drawer 70
Dinwiddie, Virginia 23841

Telephone: (804) 469-4500

Note:
The ORGANIZATIONAL MEETING for 2019 will be held on January 17, 2019 at 7:00 p.m.



Dinwiddie County Planning Office

14016 Boydton Plank Road

Dinwiddie, VA 23841

Phone: (804) 469-4500

Fax: (804) 469-5322

To: Dinwiddie County Board of Zoning Appeals

From: Jamie Sherry, Zoning Administrator

Date: January 11, 2018

Subject: Proposed resolution to adopt the Dinwiddie County Board of Zoning Appeals Bylaws.

Board of Zoning Appeals Action

WHEREAS, Section 22-39 of the Zoning Ordinance in the Dinwiddie County Code states that the Board of Zoning Appeals (the "Board") of Dinwiddie County, Virginia (the "County") shall adopt such rules and regulations as it may consider necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby adopt the Dinwiddie County Board of Zoning Appeals Bylaws

Dinwiddie County Board of Zoning Appeals Bylaws

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*
12. *Severability*

These bylaws are written rules of conduct for the Dinwiddie County Board of Zoning Appeals and are intended to establish best practices for meeting behavior and structure, but are not required by code.

ARTICLE 1 - OBJECTIVES

- 1 ~~(1-4)~~The Dinwiddie County Board of Zoning Appeals (“Board”) is established to administer the powers and duties set forth in 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, and the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance.
 - 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.
- 2 ~~1-2~~The official title of this Board shall be the Dinwiddie County Board of Zoning Appeals.

ARTICLE 2 - MEMBERS

- 1 ~~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 ~~2-2~~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.
- 3 ~~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

- 1 ~~3-1~~The officers of the Board shall consist of a Chairman, Vice-Chairman, and a Secretary.
- 2 ~~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 ~~3-3~~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.
- 4 ~~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.
- 5 ~~3-5~~Officer vacancies shall be filled immediately by regular election procedures.

ARTICLE 4 - DUTIES OF OFFICERS

- 1 ~~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.
- 2 ~~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.

3 ~~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.*
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- 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.*
- g. *The Secretary or another member of the Planning staff, on behalf of the Secretary, shall prepare and file an Annual Report of the BZA with the Board of Supervisors.*

ARTICLE 5 - MEETINGS

- 1 ~~5-1~~ *The Board shall adopt a regular meeting time, location and schedule for the year at its first regular meeting of each year. ~~In the event there are no cases requiring a public hearing pending, the meeting can be cancelled at the discretion of the Chairman. If no cases are pending, the Board may hold its regular meeting to receive training or to consider matters brought before it by the Secretary of the Board of Zoning Appeals.~~*
- 2 ~~5-2~~ *All regular meetings shall be open to the public.*
- 3 ~~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.*
- 4 ~~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 Old Business.*
 - h. *New Business.*
 - i. *Adjournment.*
- 5 ~~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.*
- 6 ~~5-6~~*The Chairman of the Board may, at his discretion, administer oaths and compel the attendance of witnesses.*
- 7 ~~5-7~~*The Board shall keep a set of minutes of all regular meetings, and these minutes shall be a public record.*
- 8 ~~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.*
- 9 ~~5-9~~*Non-legal staff of the governing body, applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the meeting but may not discuss the facts or law relative to a particular case, and must be in accordance with Va. Code § 15.2-2308.1.*
- 10 ~~5-10~~*If a meeting exceeds four hours, the Chairman may continue the meeting until the next meeting. If there is a public hearing on the agenda, it can be continued without the need to readvertise.*
- 11 ~~5-11~~*Special meetings of the Board may be called at any time by the Chairman or in the absence or unavailability of the Chairman, by the Vice-Chairman. The*

Secretary shall contact all members, at least ~~five (5)~~ fourteen (14) days in advance of a special meeting, informing them to the time and place of the meeting and the purpose thereof. If the special meeting is to hear a variance case or an appeal to the Board, then all advertisement requirements of a public hearing shall be met.

ARTICLE 6 - GENERAL RULES OF PARLIMENTARY PROCEDURE

- 1 ~~6-1~~The Board's Parliamentary Procedures shall be the most current edition of Robert's Rules of Order, Newly Revised, 11th Edition 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, except any appeal taken pursuant to Va. Code § 15.2-2311, in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
 - 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.

1 ~~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 not be related to agenda items and 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.*

ARTICLE 8 - VOTING

- 1 ~~8-1~~All matters to be voted upon shall be stated in the form of a motion.
- 2 ~~8-2~~All matters before the Board that require a majority vote shall be by roll call.
- 3 ~~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.
- 4 ~~8-4~~A tie vote means the defeat of the motion, except any appeal taken pursuant to Va. Code § 15.2-2311, in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
- 5 ~~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

- 1 ~~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 a 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.
- 2 ~~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.
- 3 ~~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 support/opposition.
 - e. Applicant rebuttal.
 - f. Additional time for presenters, as permitted by the Chairman.
 - g. Questions, if any, from the Board members.
 - h. Chairman closes public hearing and the Board votes.

~~4 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.*
- f. *Upon the BZA making a decision, the applicant or appellant shall be advised that an appeal of such decision must be filed within 30 days from the date of that decision.*

ARTICLE 10 - COMMITTEES

- 1 ~~40-4~~Special Committees may be appointed by the Chairman for the purposes and terms approved by the Board.

ARTICLE 11 - AMENDMENTS

- 1 ~~41-1~~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.
- 2 ~~41-2~~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.

ARTICLE 12 – SEVERABILITY

- 1 ~~12-4~~If any word, clause, sentence, section, subsection or other part of 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.

Dinwiddie County Board of Zoning Appeals Bylaws

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ARTICLE 8 - VOTING

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ARTICLE 9 – PUBLIC HEARINGS

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- 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.*
- 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 support/opposition.*
 - e. *Applicant rebuttal.*
 - f. *Additional time for presenters, as permitted by the Chairman.*
 - g. *Questions, if any, from the Board members.*
 - h. *Chairman closes public hearing and the Board votes.*

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.*
- f. *Upon the BZA making a decision, the applicant or appellant shall be advised that an appeal of such decision must be filed within 30 days from the date of that decision.*

ARTICLE 10 - COMMITTEES

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

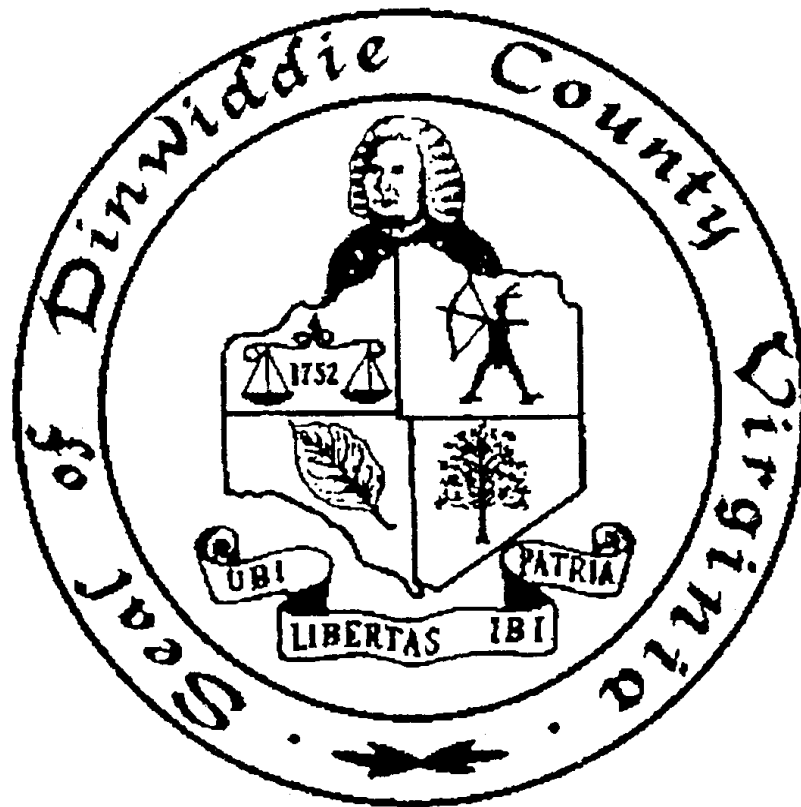
ARTICLE 11 - AMENDMENTS

- 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.*
- 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.*

ARTICLE 12 – SEVERABILITY

- 1 If any word, clause, sentence, section, subsection or other part of 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.*

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.