

**RULES OF PROCEDURE**  
**THE BOARD OF ZONING APPEALS**  
**KING WILLIAM COUNTY, VIRGINIA**

The King William County Board of Zoning Appeals, under the authority of Virginia Code §15.2-2308 and King William County Code §86- 663, establishes the following Rules of Procedure:

**I. OFFICERS**

- A. Chair. At its annual meeting, the Board of Zoning Appeals (“BZA” or “Board”) shall elect a Chair who, if present, shall preside at the annual meeting and at all other meetings during the year for which elected. On any application or appeal, the Chair may administer oaths and compel the attendance of witnesses.
- B. Vice-Chair. At its annual meeting, the BZA shall elect a Vice-Chair, who, if present, shall preside at meetings in the absence of the Chair and shall discharge the duties of the Chair during his absence or disability.
- C. Secretary. At its annual meeting, the BZA shall elect a Secretary. The Secretary may be either a member of the BZA or a qualified individual who is not a member of the BZA. A secretary who is not a member of the BZA shall not be entitled to vote on matters before the BZA. The duties of the Secretary shall include keeping minutes of all meetings, maintaining custody of the records of the BZA, drafting and signing all correspondence necessary for the execution of the duties and functions of the BZA, and such other duties as these rules may provide and the BZA may, from time to time, assign.
- D. Other Offices. At any of its meetings, the BZA may create and fill any other offices as it deems necessary.
- E. Term of Office. The Chair and Vice-Chair shall be elected for one-year terms, and their terms extended as necessary until their respective successors take office. Either or both officers may be re-elected for one or more additional terms. .
- F. Vacancies in Office. Vacancies in office shall be filled as soon as practicable using the election procedures provided herein.

**II. MEETINGS**

- A. Annual Meeting. The first meeting of each year shall be known as the annual meeting. At the annual meeting, the BZA shall establish the day, time, and place for regular meetings of the BZA for that year, and shall elect the Chair, the Vice-Chair and the Secretary.

- B. Regular Meetings. The BZA shall meet in regular session at the time and place and on the day or days established for regular meetings. The BZA may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.
1. If the Chair, finds and declares that weather or other conditions are such that it is hazardous for BZA members or interested citizens of King William County to attend a regular meeting, the meeting shall be continued to the next regular meeting date.
  2. Absence of Chair and Vice-Chair. If the Chair and Vice-Chair are absent from any meeting, a present member shall be chosen to act as Chair by a quorum made up of a majority of the full Board. If such a quorum is not present, then the meeting shall be continued without further notice, to a date and time within 30 days or originally scheduled meeting.
  3. Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting date until the business of the BZA is complete.
- C. Special Meetings. The BZA may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the BZA finds necessary and convenient.

### **III. ORGANIZATION OF MEETINGS**

The order of business at all regular meetings of the Board shall be as follows:

- (a) Call to order.
- (b) Review and adoption of meeting agenda.
- (c) Consideration and approval of prior meeting minutes.
- (d) Public hearing of cases on the agenda.
- (e) New business.
- (f) Other business.
- (g) Adjournment

### **IV. PROCEDURE FOR HEARING CASES**

- A. Applications and appeals authorized by law shall be on forms provided by the Secretary and shall be filed with the Secretary. Appeals shall be taken within 30 days of the decision of the Director of Planning or other administrative officer. Upon the filing of an appeal the Director of Planning shall transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from was taken.

- B. Applications or appeals shall be accompanied by such fee as may be established by the Board of Supervisors, payable to the King William County Treasurer's office. And no such application or appeal shall be considered to be filed until such fee is paid.
- C. The applicant shall provide the Secretary with all information required by the form provided. Any additional information as may be required by the Secretary to fully advise the Board with reference to the application or appeal. No application or appeal will be considered by the Board unless it is made on the form provided.
- D. Applications shall be scheduled and advertised, and notification provided, as follows:
  - 1. Appeals or applications received by the Secretary at least five weeks prior to a regular meeting shall be placed on the agenda for that meeting.
  - 2. A sign shall be posted near the location of the subject property of each case to inform the occupants of nearby property that a public hearing has been scheduled.
- E. Cases shall be heard in the order in which they appear on the agenda, except a case may be advanced for hearing by order of the Board upon good cause shown.
- F. At the time of the public hearing the applicant will be expected to appear on his own behalf or be represented. In the absence of any appearance by the applicant or his representative, the Board may dispose of the matter on the basis of the facts before it.
- G. At the hearing, the order shall be as follows:
  - a. Presentation of case by the Secretary
  - b. Statement of applicant or appellant
  - c. Statements of other persons in favor
  - d. Statements by those opposed
  - e. Applicant's rebuttal

The Chair may prescribe a reasonable time limit for each side to present its case. The Board shall offer an equal amount of time to the applicant, appellant or other person aggrieved, and the staff of the County. To maintain orderly procedure, each side shall proceed without interruption by the other. Cross examination will not be permitted, but questions may be directed to the Chair who may allow limited questioning. The name and address of each person speaking shall be recorded in the minutes.

- H. At the time for considering the case the Chair may call for a motion or resolution for disposition as provided below. If the Board decides that it is not sufficiently informed, it may continue the case and may request further information or appoint a committee to view the property.
- I. The final disposition of an appeal shall be in the form of a motion either sustaining, reversing, or modifying the order, requirement or determination appealed from. The final disposition of an application for a variance shall be in the form of a motion, approving or denying the request. The motion shall refer specifically to the applicable provision in the County Code and shall set forth facts and findings in the case on which the decision is based, which shall be consistent with the requirements of law, and shall include any applicable conditions.
- J. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on a variance. In the case of an appeal, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal. The vote of each member present on each resolution shall be recorded with the resolution.
- K. In any case in which an application has been denied by the Board or withdrawn after a public hearing, no such application shall be again considered by the Board within one year from the date of such denial or withdrawal.
- L. All permits necessary for the prosecution of the work shall be taken out within two years from the date of authorization by the Board; otherwise, such authorization shall be considered void.

## **V. REHEARING**

- A. No rehearing of any decision by the Board shall be held except on motion by a member of the Board who previously voted for the decision, which motion shall be made not later than the first regular meeting succeeding the meeting at which the resolution was acted on; such motion shall be to reconsider the vote, and shall be carried by not less than three affirmative votes.
- B. No motion for a rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the original hearing. In all cases, the request for rehearing shall be in writing, reciting the reason for the request, and shall be accompanied by the necessary information, including a recitation of all evidence which could not reasonably have been presented at the original hearing.
- C. If a rehearing is granted, the case shall be put on the agenda for a rehearing. The same procedure as to notices shall be followed as in the original application.

## **VI. ADVICE**

No informal request for advice will be officially considered.

## **VII. RECORDS**

All records of the Board shall be public records.

## **VIII. SUSPENSION OF RULES**

These rules may be suspended in whole or in part, only upon the unanimous vote of the members of the Board present.

## **IX. AMENDMENTS**

These rules may be amended or modified by the affirmative vote of three members of the Board.

## **X. DISMISSAL OF CASES**

Any application, appeal, motion, or rehearing may be dismissed for failure of the applicant to comply with these rules.

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