



2022 RULES AND PROCEDURES BOARD OF ZONING APPEALS WILLIAMSBURG, VIRGINIA

ARTICLE I. MEMBERSHIP

The Board shall consist of five (5) members appointed by the City Council in accordance with Section 21-96 of the Zoning Ordinance.

A member whose term expires shall continue to serve until a successor is appointed and qualifies. In the discretion of City Council members may be reappointed to succeed themselves. Members of the Board shall hold no other public office in the City except that one may be a member of Planning Commission. It is the current practice of the City Council not to reappoint any persons who have served more than two successive (five-year) full terms.

Board members are encouraged to become certified within eighteen (18) months of appointment in the Virginia Certified Board of Zoning Appeals Program. The costs associated with such certification shall be borne by the City.

ARTICLE II. OFFICERS

1. The Board shall elect a Chairman, and one Vice-Chairman annually at its first regular meeting following January 1 of each calendar year. If such regular meeting is cancelled or a quorum is lacking, the election shall be held at the next regular meeting.
2. The Chairman shall preside at all meetings and hearings of the Board at which the Chairman is present. The Chairman shall decide all points of order or procedure and shall appoint any committees that may be found necessary.
3. The Vice-Chairman shall assume the duties of the Chairman in his or her absence.
4. If the Chairman and Vice Chairman are both absent and unable to preside, the members shall appoint a temporary Chairman to preside.
5. The Secretary shall have the duties customary to such office including the keeping of the minutes. The Board may elect as its Secretary either one of its

members or a qualified individual who is not a member of the Board. The Secretary shall not have a vote by virtue of such position.

6. The Board may, with the concurrence of the Zoning Administrator, designate an employee of the City Planning Department to act as the Board's Recording Secretary to prepare an initial draft of the minutes of any meeting for review and approval by the Secretary prior to submission to the Board for final approval.

ARTICLE III. MEETINGS

1. A regular meeting of the Board of Zoning Appeals shall be held on the first Tuesday of each month at 4:00 P.M. However, no meeting shall be scheduled if there are no applications pending or if there is no other business before the Board. All regular meetings shall be open to the public.
2. The Chairman may call special meetings provided at least five (5) days notice of such hearing is given each member in writing.
3. A quorum shall consist of three (3) members or a simple majority of the Board. The concurring vote of three (3) members (a majority of the membership) shall be required to grant variances or to reverse decisions or determinations of the Zoning Administrator. A majority of the membership present and voting is required to uphold a decision or determination of the Zoning Administrator, to grant a special exception or to interpret the official zoning map where there is any uncertainty as to the location of a district boundary or to amend these Rules of Procedure. The concurring vote of a majority of all members present and voting or such other greater number as may be required by state law shall be required to effect all other actions of the Board. If the majority of the Board fails to attend within half hour of 4:00 P.M., the Secretary shall enter the names of the members present and the adjournment for want of a quorum.
4. An agenda for each regularly scheduled meeting of the Board shall be prepared by the Zoning Administrator and delivered to each member of the Board no later than four (4) business days prior to the meeting. Included with the agenda shall be any materials submitted by any applicant or appellant or by any interested person. The Zoning Administrator shall briefly summarize the facts and provisions of the Zoning Ordinance applicable to each case. The order of business at all regular meetings of the Board shall be as follows:
 - Call to order.
 - The hearing of applications deferred from a previous meeting.
 - The hearing of applications not previously presented to the Board.
 - Zoning Administrator report, if any.
 - Unscheduled items: Old Business, New Business.
 - Reading and approval of minutes of previous meetings.
 - Adjournment.

5. The Board may adjourn a regular meeting if all applications or appeals cannot be disposed of in the day set. Such adjournment shall be mandatory five (5) hours after the start of a meeting.
6. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to any agenda item in which the member has a disqualifying interest under the provisions of the Comprehensive Conflict of Interest Act (Title 2.1, Chapter 40, Code of Virginia, 1950).
7. The Board shall allow for electronic participation in meetings by Board members as permitted by and in conformity with the requirements found in Section 2-34 of the Williamsburg Code.

ARTICLE IV. POWERS AND DUTIES

The Board of Zoning Appeals shall have the powers and duties specified in Section 21-97 of the Zoning Ordinance or as may be otherwise specified by applicable law or ordinance.

ARTICLE V. APPLICATIONS OR APPEALS TO THE BOARD

1. All application or appeals to the Board shall be made on forms supplied by the Planning Department.

The application or appeal shall include:

- a. Seven (7) copies of a plat of the affected parcel when a plat is required to be provided.
 - b. The property owner shall sign the application or appeal.
 - c. Payment of all applicable fees, which shall be paid before the application or appeal shall be deemed filed.
2. All applications or appeals shall be accompanied by all of the information enumerated in the Zoning Ordinance for such applications or appeals before being scheduled for a public hearing. The Zoning Administrator may refuse to schedule a matter for Board determination unless he or she is satisfied that all pertinent information has been provided.

ARTICLE VI. PROCESSING OF APPLICATIONS

1. All applications will be received by the Zoning Administrator and shall be set for public hearing in the order in which they are received.
2. The Zoning Administrator shall notify the applicants in writing of the date, time and place of the scheduled public hearing.
3. The Zoning Administrator, in accordance with the provisions of the Code of Virginia, shall cause to be advertised in the Virginia Gazette or other newspaper (published not less than twice before the meeting) of general circulation within the City of Williamsburg, the required legal published notice of the public hearing

for any application. Notice shall also be given of the time and place of any site visit by the Board in connection with any public hearing.

4. The Zoning Administrator shall compile all pertinent information and supply same with his or her comments through a staff report to the Board at the scheduled time and place of its public hearing.

ARTICLE VII. SITE VISITS AND HEARINGS

1. Interested members of the public may be present at any site visit to inspect the premises in question. Any discussion among Board members at any site visit, which relate to the subject matter of the visit, shall be made in such manner as to permit interested parties to hear the discussion. Applicants or appellants by virtue of having filed an application or appeal shall be deemed to have given permission for Board members and interested members of the public to come on to any premises, which are the subject of the application or appeal.
2. At the time of the public hearing, the Zoning Administrator will present its Report, which shall identify the property, briefly describe the application and provide the Board with any recommendation it may have or any other recommendation made by any other agency, board or department of the City. A copy of the Report shall be made available in the hearing room for examination by members of the public attending the meeting. The Board may ask questions of staff concerning the Report and the application.
3. The public hearing shall then be opened.
4. The applicant or his or her authorized agent shall be present and shall be allowed adequate time to present the background and justification for the application and to answer questions from members. Members of the public shall have no right to pose questions to applicants.
5. Persons in support of or in opposition to the application may present their position. Any such person shall identify themselves at or before the commencement of the meeting by name and address prior to the hearing as wishing to speak and shall be heard in order of such identification. Such presentation shall be subject to the following time limitations:
 - Five (5) minutes – individuals
 - Fifteen (15) minutes – representative of an organization or groupThe Board, in its discretion by majority vote of members present, may allow additional time for an individual or group representative to make a presentation.
6. The applicant shall be permitted an adequate time for rebuttal.
7. It shall be the responsibility of the Chairman to determine the adequacy of time within which an applicant may present or defend his or her position and to enforce the specific time limitations set forth in this Article so that the hearing is held in a prompt, fair and judicious manner.
8. Close public hearing.
9. The Board at this time may discuss the application and either approve, deny or continue to the next regular meeting. The motion to approve, deny or continue

the application shall include a clear and concise statement of the reasons for approval, denial or such continuance.

10. Board of Zoning Appeals decisions may be appealed to the Circuit Court as allowed by Section 21-99 of the Zoning Ordinance. Such appeal must be filed with the Court within (30) days after the final decision of the Board.

ARTICLE VIII. SPECIAL RULES FOR APPEALS FROM ADMINISTRATIVE DECISIONS

1. Chairman announces the subject matter and reminds the appellant and those parties present at the public hearing of the provisions of the Zoning Ordinance that mandate a concurring vote of three (3) members to reverse a determination of the Zoning Administrator or other administrative officer.
2. Chairman calls on Zoning Administrator or designee to present the Zoning Administrator's position.
3. Members may pose questions to the Zoning Administrator
4. Chairman opens the public hearing.
5. Chairman calls on appellant or his or her agent to present the appellant's position. The appellant shall be limited to a thirty (30) minute presentation.
6. Members may pose questions to the appellant.
7. Chairman calls for comment from any person wishing to speak, stressing that testimony should be limited to the precise issue that is the subject of the appeal. Any such persons shall identify themselves prior to the hearing as wishing to speak and shall be heard in order of such identification. Unless waived by a majority vote of Board members present at the meeting, each speaker shall be limited to five (5) minutes. No speaker shall have the right to pose questions to the appellant.
8. Chairman calls on Zoning Administrator to pose rebuttal or additional remarks.
9. Members post final questions to either the appellant or the Zoning Administrator.
10. Chairman closes the public hearing.
11. Board discussion and vote. The motion to approve, deny or defer the application shall include a clear and concise statement of the reasons for approval, denial or deferral.

ARTICLE IX. RECORDS AND REPORTS

1. The Zoning Administrator or the Recording Secretary shall keep a file of all materials and decisions relating to each case as part of the records of the Board of Zoning Appeals.
2. The Board shall submit a report of its activities to the City Council at least once a year and may include therein any recommendations it may have with respect to any amendment to the Zoning Ordinance proposed by the Board.
3. All records of the Board shall be public records.

ARTICLE X. RIGHT OF REPRESENTATION

Anyone appearing before the Board may do so in person or be accompanied or represented by legal counsel or other duly authorized representative. If such person does not appear personally but is to be otherwise represented, written authority from such person authorizing his or her representative to act on his or her behalf must be submitted to the Board prior to the hearing.

ARTICLE XI. AMENDMENTS

These Rules of Procedure may be adopted, amended or rescinded by an affirmative vote of three or more of the members present and voting when the question is called.