

2023 BYLAWS OF THE ESSEX COUNTY BOARD OF ZONING APPEALS

ARTICLE 1 – OBJECTIVES

1. The official title of this body shall be the “Essex County Board of Zoning Appeals” (hereinafter “Board”)

ARTICLE 2 – MEMBERS

1. This Board shall consist of five (5) members, hereinafter referred to as appointed/regular members who shall be residents of the County, and may be increased as provided by law.
2. The regular members are appointed for terms of five (5) years by the Essex County Circuit Court. Any vacancy in membership shall be filled by appointment by the Essex County Circuit Court and shall be for an unexpired term only. Any appointed member may be removed by the Essex County Circuit Court for inefficiency, neglect of duty, or malfeasance of office.
3. The Board of Supervisors may provide for the payment of expenses incurred by any regular members in the performance of his or her official duties or for required educational or training activities.
4. Any new member of the Board is encouraged to take the necessary courses within two (2) years of their appointment to the Board to become a certified Board of Zoning Appeals’ member.
5. The term of a regular Board member shall expire on December 30, at which time his/her successor’s term shall begin. However, until such time a new regular member is appointed and sworn the existing member continues to serve.
6. Pursuant to 15.2.-2308-A, of the Code of Virginia, 1950 as amended, at the request of the governing body the Court may appoint up to three (3) alternate members to the Board.
 - a. If a regular member knows that he/she will not be present or must abstain he/she shall notify the secretary at least 24 hours before the scheduled meeting.
 - b. The secretary shall contact an alternate member to serve in the place of the absent or abstaining member.

7. Regular members may be removed for malfeasance in office. Notwithstanding the foregoing provisions, a member of a Board of Zoning appeals may be removed from office by the Essex County Circuit Court upon the request of the local governing body without limitation in the event that the regular board member is absent from any three (3) consecutive meeting of the board, or is absent from a four (4) meetings of the board within any 12-month period. In either such event, a successor shall be appointed by the Essex County Circuit Court for the unexpired portion of the term of the regular member who has been removed.
8. Pursuant to 15.2.-2308-A, of the Code of Virginia, 1950 as amended, regular members of the Board shall hold no other office in the locality other than one (1) member may be a member of the local planning commission.

ARTICLE 3 – OFFICERS AND THEIR SELECTIONS

1. The officers of the Board shall consist of a Chairman, a Vice-Chairman, and a Secretary-Treasurer (hereinafter “Secretary”). The Secretary is the only non-elected officer and shall be appointed by the Board.
2. Nominations of officers shall be made from the floor at the organizational meeting in January or at the first regular meeting of the year. Election of officers shall follow immediately.
3. A candidate receiving a majority vote of the membership present shall be declared elected. He/she shall take office immediately by regular election procedures.
4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 – DUTIES OF OFFICERS

1. The Chairman shall be a citizen member of the Board and shall:
 - a. Preside at all meetings.
 - b. Appoint committees, special and/or standing.
 - c. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the member present and voting).

- d. Be informed immediately of any official communication and report same at the next regular meeting.
 - e. If staff requests a postponement or cancellation of a board meeting due to pending inclement weather conditions or in such case as when a quorum cannot be established and if the Chairman approves staff's request, staff shall contact each regular member of the board by phone or electronic communications, post signs on the entry door of board meeting room and notify the media.
 - f. Carry out other duties as assigned by the Board.
2. The Vice-Chairman shall be a citizen member of the Board and shall:
- a. Act in the absence or inability of the Chairman to act.
 - b. Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.
3. The Secretary shall:
- a. Keep a written record of all business transacted by the Board.
 - b. Notify all members of all meetings.
 - c. Keep a file of all official records and reports of the Board.
 - d. Certify all maps, records, and reports of the Board.
 - e. Give notice of all hearing and public meetings.
 - f. Attend to the correspondence of the Board.

ARTICLE 5 – LEGAL COUNSEL

1. Upon a request to the Zoning Administrator the Board may request separate legal counsel to advise them at any hearing.

ARTICLE 6 – MEETINGS

1. The Board shall meet each January to hold its organizational meeting. At this meeting the Board shall elect officers, re-adopt by-laws and consider amendments thereto and adopt its meeting schedule for the upcoming year.
2. Each June meeting shall include a training session conducted by the Zoning Administrator or designee to update the Board on actions of the General Assembly or other significant changes in the law or its application via Court decisions within the Commonwealth of Virginia.
3. Parliamentary procedures in Board meetings shall constitute a quorum. The number of votes necessary to transact business shall be by roll call, in which case a record shall be kept as part of the minutes.

ARTICLE 7 – ORDER OF BUSINESS

1. The order of business for a regular meeting shall generally be:
 - a. Call to order by the Chairman
 - b. Roll Call and Determination of Quorum
 - c. Minutes from prior meeting (s)
 - d. Public Comments
 - e. Public Hearing(s)
 - f. Unfinished business
 - g. New business
 - h. Reports/Closing Comments
 - i. Adjournment
2. Parliamentary procedures in Board meetings shall be governed by Robert's Rules of Order.

3. The Board shall keep a set of minutes for all meetings, and these minutes are the public record of its proceedings. The Chairman or the presiding officer of the meeting shall sign all minutes of the meetings after approval by the Board at a succeeding meeting and shall certify that the minutes are a true and correct copy.
4. Approved minutes shall be kept in an official meeting book produced by Wilson Jones minute book or similar official minute book.

ARTICLE 9 – PUBLIC COMMENT PERIOD

1. The purpose of the citizen comment period is to allow any citizen of the County to make statements to the Essex County Board of Zoning Appeals related to any matter under the auspices of the Board of Zoning Appeals, which are not scheduled for discussion on the agenda.
2. Each citizen of the County is allotted three minutes to address the Board.
3. The Board will listen to and consider the position and opinion of the citizens of the County; however, the Board shall not respond or ask staff to respond to issues identified by the public that may require additional research or investigation.

ARTICLE 10 – ESSEX COUNTY – PUBLIC HEARING PROTOCOL

1. The purpose of the public hearing is for the Board to listen to and consider the position and opinion of the citizens of the County.
2. Public hearings are not question and answer sessions or debates and all statements should be pertinent to the issue being considered and addressed to the Chair. Citizens are expected to obtain information and discuss the subject with public officials prior to the public hearing.
3. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings.

4. When members of the public offer comment, they need to clearly state their name and address prior to making their comments.
5. County staff (Zoning Administrator or designee) shall present a summary of the issue and staff report first.
6. Applicants, or representatives of the applicant, will be allowed fifteen (15) minutes to introduce information regarding the matter advertised for public hearing. Additional time may be granted at the discretion of the Chairman.
7. Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
8. After the public hearing has been closed, the applicant or representatives of the applicant will be allowed ten (10) minutes to address any issues identified by the public. Additional time may be granted at the discretion of the Chairman.
9. Written copies of statements made at public hearings are requested but not required.

ARTICLE 11 – CORRESPONDENCE

1. It shall be the duty of the Secretary or as delegated to the Zoning Administrator to draft and sign all correspondence necessary for the execution of the duties and functions of the Board.
2. It shall be the duty of the Secretary or as delegated by the Zoning Administrator to communicate by telephone or electronically when necessary to make communications that cannot be carried out as required through direct correspondence.
3. All official papers and plans involving the authority of the Board shall bear the signature if the Chairman together with the certification signed by the Zoning Administrator or designee.

ARTICLE 12 – CONTINUATION OF PUBLIC HEARING

1. If a regularly scheduled meeting, specially called meeting, and/or work session meeting of the Board continues to 10:00 PM, the Board may, at its discretion, adjourn the

meeting until the next business day provided the motion of adjournment states the hour and location that the adjourned meeting is to be reconvened.

ARTICLE 13 – AMENDMENTS

These bylaws may be amended by a recorded two-thirds vote of the entire membership after thirty (30) days prior written notice. A summary of the text of the proposed amendments shall be included in the notice.

CERTIFICATION

These bylaws are hereby adopted by the Essex County Board of Zoning Appeals on the 27th of April 2023, and repeal all bylaws and their amendments previously enacted by the Board.

S. M. Rappia Date: 5-25-23
Chairman

Kelly D. McIntyre Date: 5-25-23
Secretary