



TOWN OF VINTON

311 Pollard Street

VINTON, VIRGINIA 24179

BYLAWS

TOWN OF VINTON VIRGINIA

BOARD OF ZONING APPEALS

ARTICLE I – AUTHORIZATION

- A. The official title of the Board of Zoning Appeals shall be “Town of Vinton Board of Zoning Appeals” and shall hereinafter be referred to as the “BZA”.
- B. The BZA is established pursuant to a motion of the Council of the Town of Vinton authorized by Section 15.2-2308 the Code of Virginia, 1950 as amended.

ARTICLE II - PURPOSE

- A. The primary purpose of the BZA is to exercise the powers and duties of a Board of Zoning Appeals as specifically authorized by the Town of Vinton Zoning Ordinance Section 9.5-9.7 and by Section 15.2-2225 of the Code of Virginia, 1950, as amended.

ARTICLE III - MEMBERSHIP

- A. The BZA shall be comprised of five (5) members who shall be appointed in accordance with Title 15.2, Chapter 22, Article 7, Section 15.2-2308 of the Code of Virginia.
- B. Terms of BZA office members shall be for five (5) years, except that original appointments shall be made for such terms that the term of one member shall expire.
- D. The term of a BZA member shall expire after five (5) years of service. Any member whose term expires shall continue to serve until his or her successor is appointed.

- E. At the request of the Town, no more than three (3) alternate members may be appointed in accordance with Title 15.2, Chapter 22, Article 7, Section 15.2-2308 of the Code of Virginia. The qualifications, terms and compensation of alternate members shall be the same as those of regular members.
- F. Any vacancy in membership in the BZA shall be filled by appointment of the Circuit Court of Roanoke County and shall be for the unexpired portion of the term.
- G. Members of the BZA may be re-appointed to succeed themselves. Members shall hold no public office in Town of Vinton except that one member of the BZA may be a member of the Town of Vinton Planning Commission.
- H. Any member of the BZA may be removed from the Board for malfeasance, misfeasance, and nonfeasance in office or for any other just cause. Any such removal shall be by an action of a majority of the Vinton Town Council. No such action shall be taken without a hearing being held, and fifteen- (15) days notice given.
- I. The Secretary of the BZA shall notify the court at least thirty (30) days prior to the expiration of any term and shall notify the court promptly if any vacancy occurs. The filling of vacancies and procedures for removal of members of the Board shall be as set forth in the Code of Virginia, 15.2-2308.

ARTICLE IV - OFFICERS

- A. Officers of the BZA shall consist of a Chairperson, Vice Chairperson, Secretary and alternate secretary.
- B. The Director of Planning and Zoning shall make a recommendation to the BZA for the Secretary and Alternate Secretary appointments. The BZA shall consider these recommendations in making their appointments to these positions.
- C. Terms of all officers shall be for five (5) years.
- D. The BZA shall, at the start of its January meeting each year, or due to the lack of business, at the start of its first meeting of each year, elect one of its members Chairperson. The BZA shall also elect a Vice-Chairperson at this meeting. Nominations shall be from the floor, with election immediately thereafter. The BZA shall also appoint a Secretary and Alternate Secretary at its January meeting each year.

E. Any nominee receiving three (3) or more votes shall be declared elected.

ARTICLE V – DUTIES OF OFFICERS

A. The Chairperson shall:

1. Preside at all meetings.
2. Appoint all committees deemed advisable with the aid of the BZA.
3. Certify the BZA's review of documents, minutes, plans, maps, etc. brought before the BZA for official action or recommendation.
4. Have the authority to call special meetings, as deemed appropriate.
5. Carry out other duties as assigned by the BZA.
6. Officers may use as a guide to rule on all procedures and questions using the Robert's Rule of Order.

B. The Vice-Chairperson shall act in the absence, resignation, or inability of the Chairperson with full powers of the Chairperson. If the position of Chairperson becomes vacant, the Vice-Chairperson shall assume his/her duties, and a new Vice-Chairperson shall be elected at the next regular meeting of the BZA.

C. The Secretary shall:

1. Record attendance at all meetings.
2. Record the minutes of all meetings.
3. Certify the minutes as true and correct copies after approval by the BZA. All minutes shall be in a format suitable to the BZA.
4. Notify the members of all meetings.
5. Maintain a file of all official BZA records and reports.
6. Certify as received all maps, records, recommendations and reports of the BZA.

7. Give notice and be responsible for publishing public notices of all BZA public hearings and meetings.
- D. The Alternate Secretary shall act in the absence or inability of the Secretary, with full powers of the Secretary. If the office of Secretary becomes vacant, the Alternate Secretary shall become Secretary, and the BZA shall appoint a new Alternate Secretary after recommendation by the Director of Planning and Zoning.

ARTICLE VI - MEETINGS

- A. The regular meeting of the BZA shall be the third Thursday of each month at 7:00 p.m.; however, the BZA reserves the right to cancel or change the date and time of any regular meeting. When a regularly scheduled meeting falls on a legal holiday, the BZA shall designate an alternate meeting date.
- B. Special meetings may be called by the chairman or by two (2) members upon written request to the secretary. The secretary shall mail a written notice to all members, stating the time, place and purpose of the meeting.
- C. A regular member, when he knows he will be absent from or will have to abstain from any application at a meeting, shall notify staff at least twenty-four hours prior to the meeting of such fact. The staff shall then notify the chairman. The staff shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

ARTICLE VII - VOTING

- A. A majority of members (three (3) members) shall be considered a quorum.
- B. A vote of the majority of the membership of the BZA three (3) or more members shall be required to reverse any order, requirement, or decision of the Zoning Administrator, or to decide in favor of the applicant on any matter, or to approve any variance from the ordinance.
- C. A vote of the majority of three (3) members present and voting shall be required to affirm any order, requirement or decision of the Zoning Administrator, or to decide in favor of the Zoning Administrator on any matter, or to deny any variance from the ordinance.

- D. Any member of the BZA, including the Chairperson, may introduce a motion. All motions must be seconded for purposes of discussion or voting.
- E. All actions of the BZA on applications or petitions shall be by roll call vote. All other actions may be by voice vote unless a member requests a roll call vote.
- F. All actions of the BZA shall be effective immediately following the completion of a roll call vote.
- G. Any motion, which fails, shall not constitute the approval of the inverse motion. If a motion fails, a member of the prevailing side shall introduce a new motion for the BZA's consideration.
- H. A tie vote by members of the BZA will be automatically equaled to a denial of the motion.

ARTICLE VIII - COMPENSATION

- A. The compensation of the BZA shall be established by the Vinton Town Council.

ARTICLE IX – PARLIAMENTARY PROCEDURES

- A. The BZA may, from time to time, adopt rules and regulations governing procedure for filing, scheduling, and preparing petitions and requests for hearing before the BZA.
- B. The BZA shall keep minutes of each meeting, and these minutes shall become a public record. The secretary shall sign all minutes.

ARTICLE X – PUBLIC HEARING

- A. In addition to those required by law, the BZA may hold a public hearing on any matter that is deemed to be in the public interest.
- B. Notice of a public hearing shall be published once a week for two (2) successive weeks, in a newspaper of general circulation in the area, at least ten (10) days before the day of the public hearing. Such notice shall specify the time and place

of hearing, which cannot be less than six (6) nor more than twenty-one (21) days after the second newspaper advertisement.

- C. The chairman shall summarize the matter before the BZA, allow interested parties to speak, and accept written statements and other documentation pertinent to the matter being addressed.
- D. An accurate, written record shall be made of the proceedings of the public hearing and maintained as a part of the BZA's files.

ARTICLE XI- AMENDMENTS

- A. These Bylaws may be amended by a majority vote of the BZA after thirty (30) days of prior notice.
- B. Bylaws shall be reviewed every two years.

Adopted:

Effective Date:

Revised: July 29, 2008