

Board of Zoning Appeals

City of Alexandria

Rules of Procedure

Adopted by the Board of Zoning Appeals, City of Alexandria, Virginia, at its meeting of February 11, 1993, and amended on November 14, 2008, May 12, 2016, April 7, 2017, ~~and~~ October 11, 2018 and January 14, 2019 to govern the conduct of such business as may come before the Board.

I. Organization

A. Officers

The Officers of the Board of Zoning Appeals (hereinafter “the Board”) shall consist of a Chairman, a Vice-chairman and a Secretary. ~~The Director of Planning and Zoning shall be the Secretary of the Board office.~~

B. Election of Officers

Officers of the Board shall be elected for a term of one year at the regular meeting of the Board in January or the first meeting of each year. If an officer resigns, a successor shall be elected to fill the vacancy for the unexpired balance of the term. The election shall be held at the next meeting following the resignation.

C. Eligibility

All officers of the Board shall be members of the Board. All members of the Board are eligible to serve as officers. No member may hold more than one of the offices named above simultaneously.

D. Duties of Officers

The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman, the Vice-Chairman shall preside and shall exercise the duties of the Chairman. In the absence of both the Chairman and the Vice-Chairman, a temporary Chairman will be elected by those members present and shall exercise the duties of the Chairman. The duties of the Secretary are to the review of the Annual Report prior to the Chairman’s approval and a review of the minutes prior to the Board approval of the minutes.

E. Clerical and Support Personnel

The Director of Planning and Zoning shall be the Clerk of the Board. Subject to the availability of funds, the City Manager shall designate other support and clerical personnel as may be necessary for it to perform its functions. The Clerk of the Board shall prepare ~~and sign~~ the minutes of the meetings of the Board and shall keep accurate records of all proceedings of the Board; recording the vote of each member

on each matter voted upon. The Clerk of the Board shall be the custodian of the records of the Board, assisted by such clerical support personnel as may be assigned to the Board.

II. Meetings

A. Regular Meetings

Regular meetings shall be held at 7:00 p.m. on the second Monday of each calendar month except August.

B. Special Meetings

Special meetings may be held only for good cause shown, and only after notice to all members by telephone, confirmed no less than seventy-two hours before such meeting, subject to the public notice requirement in paragraph VIII herein. Special meetings may be called, subject to the above, by the Chairman with the approval of two other members, or by four members exclusive of the Chairman. Special meetings shall be governed by the same procedural rules as regular meetings.

C. Attendance

All meetings shall be open to the public at all times, except as noted in paragraph D, below. The record of any meeting, except as noted in paragraph D, below, shall be made available to any member of the public on request.

D. Executive Sessions

The Board on the affirmative vote of four members may exclude the public from its deliberations or briefings pertaining to a pending litigation or for one of the reasons stated in the Virginia Freedom of Information Act.

E. Quorum

Four (4) members of the Board shall constitute a quorum.

F. Voting

The concurring affirmative vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer in the administration or enforcement of the City Zoning Ordinance or to decide in favor of the applicant in any matter. On other matters, all actions of the Board shall be by a majority vote of those members present at the meeting unless such members shall constitute less than a quorum or unless otherwise provided by law. Each member shall enter one vote.

III. Business at Meetings

A. Rules of Order

Meetings shall be guided by Robert's Rules of Order, Revised, except where such would be inconsistent with provisions of law.

B. Order of Business

The following shall be the order of business at the meetings, except that such order may be changed by unanimous consent of the members present:

1. Call to order.
2. Call of roll.
3. Unfinished business.
4. New business.
5. Reading of minutes of previous meeting(s), amendments, thereto; adoption thereof.
6. Additional business.
7. Adjournment.

C. Applicant, Appellant or Other Person Aggrieved, and Staff

Persons presenting business to the Board shall be permitted to present evidence and argument orally. The Board shall offer the staff of the local governing body, applicant, appellant or other person aggrieved under City Zoning Ordinance, Section 11-1008, ~~and the staff of the local governing body~~ five (5) minutes to present their case to the Board. The Chair has the discretion to allot additional time to each person but such time allotted shall be equal for each person.

D. Public Participation

Any member of the public may be heard on any matter before the Board. Such person before being heard shall state for the record his name and address, the nature of interest in the matter and whom he or she represents. A member of the public will have five (5) minutes to present his or her comments on the case to the Board. The Chair has the discretion to allot additional time.

IV. Minutes

- A. Minutes shall include findings and reasons for the decision of the Board. In addition, a verbatim record; by electronic recording or otherwise, shall be maintained of all meetings of the Board. In addition, all papers or documents of any kind filed or maintained in connection with any matter before the Board shall be preserved and shall be a public record available for public inspection.

V. Annual Report

- A. ~~Not later than the meeting in January~~ At the end of each fiscal year, no later than August 31, the Board shall submit to the City Clerk's office ~~City Council~~ a report of the Board's elected officers, meetings held, attendance record, abstentions record, its activities during the preceding calendar year, including as appropriate, suggestions for action by Council. The Clerk of the Board shall supervise and direct the preparation of such annual report and circulate ~~in advance~~ a draft for review by the Secretary and approval by the Board Chairman. ~~“Submittal of draft Annual~~

~~Report” and “Election of BZA Officers” shall be docketed under “Additional Business”.~~

VI. Deferrals and Continuances

- A. On an affirmative vote, an applicant may be granted a deferral.

VII. Notice

- ~~A. Notice of any matter to be heard by the Board shall comply with all the requirements of the City Zoning Ordinance, Section 11-300.~~

VIII. Appeals from Board Decisions

- A. Refer City Zoning Ordinance, Section 11-1008.

Per the City Zoning Ordinance, when a suit is filed regarding a decision of the Board, the Secretary is authorized to accept service of process. The Secretary shall promptly notify all members of the Board of any such process.

IXVIII. Amendments

- A. ~~Except where to do so would be inconsistent with law, these rules of procedure may be amended at any meeting by an affirmative vote of a majority of the Board present and voting, provided that notice in writing of such proposed amendment is given to all Board members at the previous meeting to be docketed for consideration at the next meeting.~~ These rules of procedure may be amended by a majority vote of the entire membership of the Board, provided that at least five (5) days’ notice of the scope of the proposed amendment has been given to the members of the Board.