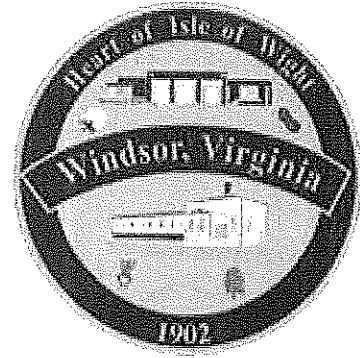
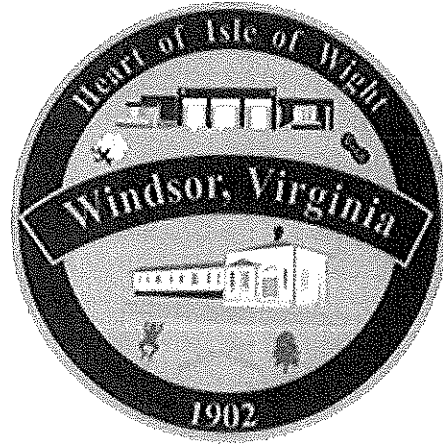


TOWN OF WINDSOR  
BOARD OF ZONING APPEALS AGENDA  
P. O. Box 307  
Windsor, Virginia 23487  
Phone 757-242-4288  
Fax 757-242-9039  
E-Mail : [windsor@windsor-va.gov](mailto:windsor@windsor-va.gov)  
November 1, 2017  
7:00 p.m.



- 
1. CALL TO ORDER
    - A) WELCOME
    - B) ROLL CALL
  2. ADOPTION OF BY-LAWS
  3. MOTION TO ADJOURN

Town of Windsor  
Gary D. Mitchell, AICP, CPMO  
Planning & Zoning Administrator  
8 E Windsor Blvd  
PO Box 307  
Windsor, VA 23487  
(757) 242-4288  
(757) 242-9039 fax  
Windsor, VA 23487  
(757) 242-4288  
(757) 242-9039 fax  
[gdmitchell@windsor-va.gov](mailto:gdmitchell@windsor-va.gov)



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### STAFF REPORT

**To:** Board of Zoning Appeals

**From:** Gary Mitchell, AICP  
Planning & Zoning Administrator

**CC:** Michael Stallings, Town Manager

**RE:** Proposed By-Laws

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Attached are proposed By-laws that staff has prepared. These By-laws are based upon provisions contained in 15.2-2308 and 2309 of the Code of Virginia, 1950 as amended. Additionally, the By-laws set the meeting dates for the Board.

Generally, once adopted the BZA will hold an organizational meeting in January each year, where officers are selected and any amendments to By-laws are proposed/adopted and the annual calendar is set. Additionally, there will be an educational or training session in June of each year to review and update the members regarding actions by the General Assembly or significant court cases that may affect the Boards actions. Finally, other than these 2 meetings the Board will not meet unless there is a case for it to consider.

**Staff Recommendation:**

Adopt By-Laws and annual calendar as provided or as amended by the Board.

Windsor Board of Zoning Appeals 2017 Calendar of Meeting Dates

The Board of Zoning Appeals meets on the first Wednesday of each month and all cases must be received 30-days prior. The Board meets in Council Chambers located at 8 East Windsor Boulevard.

November 1, 2017 – Town Council Chambers – 7:00 PM

December 6, 2017 – Town Council Chambers – 7:00 PM

Windsor Board of Zoning Appeals - 2018 Calendar Meeting Dates:

All meetings are on the first Wednesday of the month and the time of the meeting is at 7:00 PM unless otherwise noted. All meetings are in the Town Council Chambers located at 8 East Windsor Boulevard.

January 3, 2018 – Organizational Meeting

February 7, 2018

March 7, 2018

April 4, 2018

May 2, 2018

June 6, 2018 – Annual Training Session

\*July 11, 2018

August 1, 2018

September 5, 2018

October 3, 2018

November 7, 2018

December 5, 2018

\*Note – July meeting is on the 2<sup>nd</sup> Wednesday due to the Fourth of July Holiday.

2017 By-laws  
WINDSOR BOARD OF ZONING APPEALS  
TOWN OF WINDSOR, VIRGINIA

**ARTICLE 1- OBJECTIVES**

1. The official title of this body shall be the “Windsor 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 citizens of the Town, and may be increased as provided by law.
2. The regular members are appointed for terms of five (5) years by the Isle of Wight Circuit Court. Any vacancy in membership shall be filled by appointment by the Isle of Wight Circuit Court and shall be for an unexpired term only. Any appointed member may be removed by the Isle of Wight Circuit Court for inefficiency, neglect of duty, or malfeasance of office.
3. The Town Council 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. The regular members of the Board are 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 regular 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 will not be present or must abstain he/she shall notify the Chair at least 24 hours before the scheduled meeting.

- b. The Chair 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 Isle of Wight 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 consecutive meetings of the board, or is absent from any four meetings of the board within any 12-month period. In either such event, a successor shall be appointed by the Isle of Wight 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 member may be a member of the local planning commission.

### **ARTICLE 3- OFFICERS AND THEIR SELECTION**

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. Nomination of officers shall be made from the floor at the regular January meeting each 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 Commission 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 cancelation of a Board meeting due to pending inclement weather conditions or in such case when 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 Town Hall 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 request to the Zoning Administrator the Board may request separate legal counsel to advise them in 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. The regular meeting date for the Board shall be the first Wednesday of each month, at 6:00 p.m. in the Town Hall Council Chamber (see attached schedule). In events when the first Wednesday falls on a holiday the Board shall meet on the next business day.
4. All meetings, public hearings, records, and accounts shall be open to the public subject to the Code of Virginia.
5. A majority of the membership of the Board 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 Chairman
  - b. Roll Call and Determination of a Quorum
  - c. Minutes from prior meeting(s)
  - d. Public Comments
  - e. Public Hearing(s)
  - f. Unfinished business
  - g. New business
  - h. Reports
  - i. Notification of date of next meeting and 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 of all meetings, and these minutes are the public record of its proceedings. The Secretary and 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 minute meeting book produced by Williamson Law Book Company (style 1).

#### **ARTICLE 8- PUBLIC HEARINGS**

1. In addition to those required by law, the Board, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
2. Notice of a public hearing shall be advertised as prescribed by law.
3. The case before the Board shall be summarized by the Zoning Administrator. Interested parties shall have a reasonable opportunity to speak on the request or subject being considered.
4. A record shall be kept in the minutes of the meeting of those speaking at the public hearing.

#### **ARTICLE 9- PUBLIC COMMENT PERIOD**

1. The purpose of the citizen comment period is to allow any citizen of the Town to make statements to the Windsor 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 Windsor is allotted 3 minutes to address the Board.
3. The Board will listen and consider the position and opinion of the citizens of Windsor 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 - TOWN OF WINDSOR - PUBLIC HEARING PROTOCOL**

1. The purpose of a public hearing is for the Board to listen and consider the position and opinion of the citizens of Town.
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 hearing.



4. When members of the public offer comment, they need to clearly state their name and address prior to making their comments.
5. 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 Chair.
6. 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.
7. 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 Chair.
8. 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 by the Board to the Planning and 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 Board to the Planning and Zoning Administrator to communicate by telephone or electronically when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
3. All official papers and plans involving the authority of the Board shall bear the signature of the Chairman together with the certification signed by the Secretary.

#### **ARTICLE 12 – CONTINUATION OF PUBLIC HEARING**

1. In the event that 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 By-laws may be amended by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior written notice. A summary of the text of the proposed amendment shall be included in the notice.

**CERTIFICATE**

These by-laws, are hereby adopted by the Windsor Board of Zoning Appeals on the 1<sup>st</sup> of November 2017, and repeal all By-laws and their amendments previously enacted by the Windsor Board.

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairman

\_\_\_\_\_ Date: \_\_\_\_\_  
Secretary