



County of King William, Virginia

**BOARD OF ZONING APPEALS MEETING
FEBRUARY 11, 2021 – 6:30 P.M.
KING WILLIAM COUNTY ADMINISTRATION BUILDING
KING WILLIAM, VIRGINIA**

A G E N D A

- 1. Call to Order**
- 2. Roll Call**
- 3. Review and Adoption of Meeting Agenda**
- 4. Public Comment Period**
- 5. Unfinished Business**
 - a. Approval and Adoption of 2020 Board of Zoning Appeals Annual Report**
- 6. New Business**
 - a. Approval and Adoption of the Amended 2020 By-Laws**
 - b. Board Member Term Limits and Upcoming Expirations**
- 7. Adjourn**

Topic: Board of Zoning Appeals

Time: Jan 20, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82815798477?pwd=N250VW5UTEo4UzZlWGhwVXh3WXpidz09>

Meeting ID: 828 1579 8477

Passcode: 152668

Dial by your location

+1 301 715 8592 US (Washington D.C)

Meeting ID: 828 1579 8477

Passcode: 152668



King William County
Est. 1702

Board of Zoning Appeals

Department

Benjamin Shumaker, Chairman
Michael Nolan, Vice Chairman
Laura Nunnally
Doris White
Sergio Tassinari

DATE: February 11, 2021

TO: King William County Board of Supervisors

FROM: King William County Board of Zoning Appeals

SUBJECT: Board of Zoning Appeals 2020 Annual Report

SUMMARY

This report summarizes official actions and other accomplishments of the Board of Zoning Appeals during 2020, as well as proposed goals for 2021.

BOARD OF ZONING APPEALS – RULES OF PROCEDURE

The Board of Zoning Appeals shall adopt such rules of procedure as it may deem necessary in order to carry into effect the provisions of this article, such rules to be in writing and copies available to the public at the office of the Zoning Administrator and the secretary of the Board of Zoning Appeals.

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine.

The Chairman, or in the Chairman's absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

All meetings of the Board of Zoning Appeals shall be open to the public.

A quorum shall be not less than a majority of all the members of the board.

No action of the board shall be valid unless authorized by a majority vote of those present and voting.



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The Board shall keep minutes of its proceedings, showing the vote of each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Zoning Appeals and shall be a public record.

2020 GOALS & ACCOMPLISHMENTS

The Board of Zoning Appeals, along with The King William County Planning & Zoning Staff, reviewed Section 86, Article XV of the Zoning Ordinance. The BZA is participating in the Zoning Ordinance review process, as well as the Comprehensive Plan process. BZA members, as well as the Secretary, attended the 39th Annual Board of Zoning Appeals Program via Zoom.

2020 MEETINGS & ACTIVITY

Regular Meetings

January 15, 2020

February 19, 2020

March 18, 2020

April 29, 2020

July 15, 2020

September 16, 2020

November 18, 2020

Work Sessions

August 18, 2020

Appeals & Variances

A-01-20 The Fix Ministry – Approved

V-01-20 Byrd & Garnett – Approved

V-02-20 Carter & Jones – Approved

V-03-20 Nestle Purina - Approved



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MOVING FORWARD

Chairman Benjamin Shumaker proposes the following goals for 2021:

- Establish or participate in 1-2 work sessions with the Planning Commission
- Continue to actively participate in the Zoning Ordinance & Comprehensive Plan review processes.
- Request that the Board of Supervisors allocate funds for continued BZA education, as well as legal representation for Determination Appeals.
- Work Session to discuss lessons learned in 39th Annual BZA Program

The King William County Board of Zoning Appeals will establish these and other specific goals for 2021 during the January 2021 meeting.

RULES OF PROCEDURE
THE BOARD OF ZONING APPEALS
KING WILLIAM COUNTY, VIRGINIA

The King William County Board of Zoning Appeals, under the authority of Virginia Code §15.2-2308 and King William County Code §86- 663, establishes the following Rules of Procedure:

I. OFFICERS

- A. Chair. At its annual meeting, the Board of Zoning Appeals (“BZA” or “Board”) shall elect a Chair who, if present, shall preside at the annual meeting and at all other meetings during the year for which elected. On any application or appeal, the Chair may administer oaths and compel the attendance of witnesses.
- B. Vice-Chair. At its annual meeting, the BZA shall elect a Vice-Chair, who, if present, shall preside at meetings in the absence of the Chair and shall discharge the duties of the Chair during his absence or disability.
- C. Secretary. At its annual meeting, the BZA shall elect a Secretary. The Secretary may be either a member of the BZA or a qualified individual who is not a member of the BZA. A secretary who is not a member of the BZA shall not be entitled to vote on matters before the BZA. The duties of the Secretary shall include keeping minutes of all meetings, working with the planning administrator to maintain custody of the records of the BZA, drafting, and signing all correspondence necessary for the execution of the duties and functions of the BZA, and such other duties as these rules may provide and the BZA may, from time to time, assign.
- D. Other Offices. At any of its meetings, the BZA may create and fill any other offices as it deems necessary.
- E. Term of Office. The Chair and Vice-Chair shall be elected for one-year terms, and their terms extended as necessary until their respective successors take office. Either or both officers may be re-elected for one or more additional terms. .
- F. Vacancies in Office. Vacancies in office shall be filled as soon as practicable using the election procedures provided herein.

II. MEETINGS

- A. Annual Meeting. The first meeting of each year shall be known as the annual meeting. At the annual meeting, the BZA shall establish the day, time, and place for regular meetings of the BZA for that year, and shall elect the Chair, the Vice-Chair and the Secretary.

B. Regular Meetings. The BZA shall meet in regular session at the time and place and on the day or days established for regular meetings. The BZA may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

1. If the Chair, finds and declares that weather or other conditions are such that it is hazardous for BZA members or interested citizens of King William County to attend a regular meeting, the meeting shall be continued to the next regular meeting date.
2. Absence of Chair and Vice-Chair. If the Chair and Vice-Chair are absent from any meeting, a present member shall be chosen to act as Chair by a quorum made up of a majority of the full Board. If such a quorum is not present, then the meeting shall be continued without further notice, to a date and time within 30 days or originally scheduled meeting.
3. Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting date until the business of the BZA is complete.

C. Special Meetings. The BZA may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the BZA finds necessary and convenient.

III. ORGANIZATION OF MEETINGS

The order of business at all regular meetings of the Board shall be as follows:

- (a) Call to order.
- (b) Review and adoption of meeting agenda.
- (c) Consideration and approval of prior meeting minutes.
- (d) Public hearing of cases on the agenda.
- (e) New business.
- (f) Other business.
- (g) Adjournment

IV. PROCEDURE FOR HEARING CASES

A. Applications and appeals authorized by law shall be on forms provided by the Secretary and shall be filed with the Secretary. Appeals shall be taken within 30 days of the decision of the Director of Planning or other administrative officer. Upon the filing of an appeal the Director of Planning shall transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from was taken.

- B. Applications or appeals shall be accompanied by such fee as may be established by the Board of Supervisors, payable to the King William County Treasurer's office. And no such application or appeal shall be considered to be filed until such fee is paid.
- C. The applicant shall provide the Secretary with all information required by the form provided. Any additional information as may be required by the Secretary to fully advise the Board with reference to the application or appeal. No application or appeal will be considered by the Board unless it is made on the form provided.
- D. Applications shall be scheduled and advertised, and notification provided, as follows:
 - 1. Appeals or applications received by the Secretary at least five weeks prior to a regular meeting shall be placed on the agenda for that meeting.
 - 2. A sign shall be posted near the location of the subject property of each case to inform the occupants of nearby property that a public hearing has been scheduled.
- E. Cases shall be heard in the order in which they appear on the agenda, except a case may be advanced for hearing by order of the Board upon good cause shown.
- F. At the time of the public hearing the applicant will be expected to appear on his own behalf or be represented. In the absence of any appearance by the applicant or his representative, the Board may dispose of the matter on the basis of the facts before it.
- G. At the hearing, the order shall be as follows:
 - a. Presentation of case by the Secretary
 - b. Statement of applicant or appellant
 - c. Statements of other persons in favor
 - d. Statements by those opposed
 - e. Applicant's rebuttal

The Chair may prescribe a reasonable time limit for each side to present its case. The Board shall offer an equal amount of time to the applicant, appellant or other person aggrieved, and the staff of the County. To maintain orderly procedure, each side shall proceed without interruption by the other. Cross examination will not be permitted, but questions may be directed to the Chair who may allow limited questioning. The name and address of each person speaking shall be recorded in the minutes.

- H. At the time for considering the case the Chair may call for a motion or resolution for disposition as provided below. If the Board decides that it is not sufficiently informed, it may continue the case and may request further information or appoint a committee to view the property.
- I. The final disposition of an appeal shall be in the form of a motion either sustaining, reversing, or modifying the order, requirement or determination appealed from. The final disposition of an application for a variance shall be in the form of a motion, approving or denying the request. The motion shall refer specifically to the applicable provision in the County Code and shall set forth facts and findings in the case on which the decision is based, which shall be consistent with the requirements of law, and shall include any applicable conditions.
- J. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on a variance. In the case of an appeal, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal. The vote of each member present on each resolution shall be recorded with the resolution.
- K. In any case in which an application has been denied by the Board or withdrawn after a public hearing, no such application shall be again considered by the Board within one year from the date of such denial or withdrawal.
- L. All permits necessary for the prosecution of the work shall be taken out within two years from the date of authorization by the Board; otherwise, such authorization shall be considered void.

V. REHEARING

- A. No rehearing of any decision by the Board shall be held except on motion by a member of the Board who previously voted for the decision, which motion shall be made not later than the first regular meeting succeeding the meeting at which the resolution was acted on; such motion shall be to reconsider the vote, and shall be carried by not less than three affirmative votes.
- B. No motion for a rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the original hearing. In all cases, the request for rehearing shall be in writing, reciting the reason for the request, and shall be accompanied by the necessary information, including a recitation of all evidence which could not reasonably have been presented at the original hearing.
- C. If a rehearing is granted, the case shall be put on the agenda for a rehearing. The same procedure as to notices shall be followed as in the original application.

VI. ADVICE

No informal request for advice will be officially considered.

VII. RECORDS

All records of the Board shall be public records.

VIII. SUSPENSION OF RULES

These rules may be suspended in whole or in part, only upon the unanimous vote of the members of the Board present.

IX. AMENDMENTS

These rules may be amended or modified by the affirmative vote of three members of the Board.

X. DISMISSAL OF CASES

Any application, appeal, motion, or rehearing may be dismissed for failure of the applicant to comply with these rules.