

**MONTGOMERY COUNTY
BOARD OF ZONING APPEALS**

BY-LAWS

ARTICLE I. OFFICERS:

- 1-1. The Board shall consist of five (5) residents of the County and shall organize and elect a Chairman, and Vice-Chairman annually in the month of January. (9/4/85), (10/2/01)
- 1-2. The Chairman shall preside at all meetings and hearings of the Board, he shall decide all points of order or procedure and shall appoint any committees that may be found necessary. (9/4/85)
- 1-3. The Vice-Chairman shall assume the duties of the Chairman in his absence.
- 1-4. The Zoning Administrator shall serve as the Secretary and shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedure; keep the minutes of the Board's proceedings; and keep a file on each case which comes before the Board. (10/2/01)
- 1-5. The Board shall have two (2) alternate members whose qualifications, terms and compensation shall be the same as those of regular members. A regular member when he knows he will be absent from a meeting shall notify the Secretary at least twenty-four hours prior to the meeting. The Chairman shall select an alternate to serve in the absence of a member and the records of the board shall so note. (10/2/01)

ARTICLE II. MEETINGS:

- 2-1. A Regular meeting of the Board of Zoning Appeals for the Hearing of cases shall be held on the first Tuesday of each month at 5:00 P.M., unless no cases are pending, in which case no meeting shall be held. (9/4/85), (10/3/85), (10/2/01), (4/1/08)
- 2-2. Special meetings may be called by the Chairman, provided that at least five (5) days notice of such meeting is given each member (in writing); provided further that the requirement for five (5) days notice may be waived in writing and presence of a member shall be deemed a waiver of notice by him of any such meeting.
- 2-3. A quorum shall consist of three members or a simple majority if the Board has more than five (5) members.

- 2-4. The order of business at all Regular meetings of the Board shall be as follows: (a.) Ascertainment of quorum; (b.) Reading of the minutes of previous meeting; (c.) Unfinished business; (d.) Hearing of Cases; (e.) New Business.
- 2-5. The Board may adjourn a Regular meeting of all applications or appeals that cannot be disposed of on the day set, and no further public notice shall be necessary for such a meeting. (9/4/85)
- 2-6. Regular meetings of the Board may be continued to the following Tuesday if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. (4/6/04)

ARTICLE III. PROCEDURE FOR HEARING CASES:

- 3-1. Appeals to the Board of Zoning Appeals may be taken by any person affected by any decision of the Zoning Administrator and by applicants for a variance to the zoning ordinance. Such appeal shall be filed with the Zoning Administrator. The Zoning Administrator will transmit the application to the Board along with all papers constituting the record upon which the action was taken. (9/4/85), (10/2/01)
- 3-2. The applicant shall provide the Secretary with such information and data as may be required to advise the Board fully with reference to the application. (10/2/01)
- 3-3. An application shall be given a case number within five (5) days from the date filed and scheduled for a public hearing within ninety (90) days. (10/2/01)
- 3-4. The Secretary of the Board shall notify the parties in interest of the time scheduled for the Public Hearing of the case and file public notice in a newspaper of general circulation in accordance with Section 15.2-2204 & 2205. (10/2/01)
- 3-5. At the time of the Public Hearing, the applicant may appear in his own behalf or be represented by counsel or agent. The applicant's statement shall be made, first, followed by that of the Zoning Administrator and any private citizen for or against the proposal.
- 3-6. Final decision on any variance or application for appeal to the Board of Zoning Appeals shall be in the form of a resolution which must be approved by a quorum of the membership of the Board. (10/2/01)

3-7. Within thirty (30) days after the hearing, the Board shall notify the parties of interest and the Zoning Administrator of its decision.

ARTICLE IV. RECORDS:

4-1. A file of all material and decisions relating to each case shall be kept by the Secretary as part of the records of the Board of Zoning Appeals.

4-2. All records of the Board shall be a Public Record.

ARTICLE V. AMENDMENT:

5.1. These bylaws may be amended from time to time as deemed necessary by a majority vote of the Board of Zoning Appeals.

Date of Approval of By-Laws:

October 13, 1969