

TOWN OF VIENNA

MEMORANDUM

TO: Town Council

FROM: Patrick Mulhern, AICP, Director of Planning & Zoning

DATE: November 13, 2017

SUBJECT: Intent to Adopt: Section 18-241. – Decisions of board

A public hearing on October 30, 2017, to consider Planning Commission-recommended changes on proposed ordinance amendment language to Section 18-241 – Decisions of board under Article 23 of Chapter 18 of the Vienna Town Code.

Introductory Comments:

The Town's current code, [Section 18-241](#)- Decisions of board, was drafted when the Board of Zoning Appeals (BZA) had only five members and only required the concurring vote of at least three members (a majority) to reverse an order, requirement, decision, or determination of the Zoning Administrator. In November 1991, Council amended the number of BZA members from five to seven. Virginia Code (15.2-2312) requires that any BZA action results from the vote of a "majority of the membership of the board."

To be consistent with State code requirements, the Town must amend its ordinance per the attached recommended language. The change would result in a requirement that the concurring vote of at least four members would be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, even if less than seven members are present.

Planning Commission Recommendations:

The Planning Commission recommends that the Mayor and Town Council amend [Section 18-241](#) of the Town Code. The Code should be amended to require a concurring vote of ***the majority of the membership of the board*** to reverse an order, requirement, decision, or determination of the Zoning Administrator.