

# Amendment to Section 18-241 – Decisions of Board.

November 13, 2017



## Sec. 18-241. - Decisions of board.

A. In all cases coming before the board of zoning appeals, decisions shall be made within 90 days of the filing of the application or appeal. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. *Pursuant to Va. Code §15.2-2312, t*~~The~~ concurring vote of *the majority of the membership of the board* ~~at least 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 any matter upon which it is required to pass under this chapter or to effect any variance thereof.

B. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public record. The chair of the board, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses.

(Code 1969, § 18-241; Ord. of 3-2-1987)





## Sec. 18-231. - Membership.

The board of zoning appeals shall consist of not less than five nor more than seven residents of the Town, appointed by the circuit court of the county upon recommendation of the Town Council, for a term of five years.

Appointments to fill vacancies shall be only for the unexpired portion of the term. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him. Members of the board shall hold no other public office in the Town except that one may be a member of the planning commission. A member whose term expires shall continue to serve until their successor is appointed and qualifies.

# Code of Virginia

- § 15.2-2312. Procedure on appeal.
  - The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.
- § 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.
  - Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting.

