



Legislation Details (With Text)

File #: 17-650 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 10/31/2017 **In control:** Town Council Meeting
On agenda: 11/13/2017 **Final action:**
Title: Intent to adopt Planning Commission recommended changes to BZA voting requirements, per Section 18-241- Decisions of Board, to be consistent with State of Virginia Code (15.2-2312).

Sponsors:

Indexes:

Code sections:

Attachments: 1. TC STAFF REPORT - BZA MEMBERS VOTING CODE CHANGE - 11-13-17, 2. Sec. 18_241. ___Decisions_of_board wEdits per 15, 3. BZA Voting Requirements, 4. Amendment to Section 18-241 – Decisions of board

Date	Ver.	Action By	Action	Result
11/13/2017	1	Town Council Meeting	approved	Pass

Subject:

Intent to adopt Planning Commission recommended changes to BZA voting requirements, per Section 18-241- Decisions of Board, to be consistent with State of Virginia Code (15.2-2312).

EXPLANATION AND SUMMARY :

The Town's current code, Section 18-241- Decisions of Board, was drafted when BZA had only five members and only required a 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 Sec. 18-231- Membership to permit "not less than five nor more than seven" as the number of permitted BZA members. There currently are seven (7) BZA board members.

Virginia Code (15.2-2312) requires that any BZA variance or appeal action result 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. With current BZA membership at seven members, the change would result in requiring g that a concurring vote of at least four members is necessary to reverse an order, requirement, decision, or determination of the zoning administrator, even if less than seven members are present. (Note: A simple majority of members present can still act on a Conditional Use Permit as long as a quorum is present, per Virginia Code 15.2-2308.)

Departmental Recommendation:

On September 27, 2017 the Planning Commission held a public hearing to consider the amended code and unanimously recommended that Council approve the proposed code amendment to Section 18-241- Decisions of Board. Council held a public hearing on October 30, 2017. Town Council closed the public hearing and approved the Planning Commission-recommended code

amendment to Section 18-241- Decisions of Board and directed the Town Clerk to advertise a Notice of Intent to Adopt. Staff recommends that Council adopt the Planning Commission-recommended code amendment to Section 18-241- Decisions of Board and direct the Town Clerk to advertise a Notice of Adoption.

Finance Recommendation : N/A

Purchasing Recommendation : N/A

Town Attorney Recommendation : Town Council has conducted a public hearing and considered recommendations of the Planning Commission and may adopt the proposed amendment to Town Code Section 18-241 in the discretion of Town Council.

Town Manager's Recommendation: I recommend the Town Council adopt the Planning Commission-recommended code amendments as presented.

PROPOSED/SUGGESTED MOTION

“I move to adopt the Planning Commission-recommended code amendment to Section 18-241- Decisions of Board and direct the Town Clerk to advertise a Notice of Adoption.”

Or

Other action deemed necessary by Council.