

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2311 of the Code of Virginia, relating to appeals of*
3 *zoning appeals.*

4 [H 1086]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-2311 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-2311. Appeals to board.

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10 A. An appeal to the board may be taken by any person aggrieved or by any officer, department,
11 board or bureau of the locality affected by any decision of the zoning administrator or from any order,
12 requirement, decision or determination made by any other administrative officer in the administration or
13 enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning
14 requirements pursuant to § 15.2-2286. Notwithstanding any charter provision to the contrary, any written
15 notice of a zoning violation or a written order of the zoning administrator dated on or after July 1,
16 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a
17 zoning violation or a written order within 30 days in accordance with this section, and that the decision
18 shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence
19 until the statement is given. *A written notice of a zoning violation or a written order of the zoning*
20 *administrator that includes such statement sent by registered or certified mail to, or posted at, the last*
21 *known address of the property owner as shown on the current real estate tax assessment books or*
22 *current real estate tax assessment records shall be deemed sufficient notice to the property owner and*
23 *shall satisfy the notice requirements of this section.* The appeal shall be taken within 30 days after the
24 decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal
25 specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the
26 papers constituting the record upon which the action appealed from was taken.

27 B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning
28 administrator certifies to the board that by reason of facts stated in the certificate a stay would in his
29 opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise
30 than by a restraining order granted by the board or by a court of record, on application and on notice to
31 the zoning administrator and for good cause shown.

32 C. In no event shall a written order, requirement, decision or determination made by the zoning
33 administrator or other administrative officer be subject to change, modification or reversal by any zoning
34 administrator or other administrative officer after 60 days have elapsed from the date of the written
35 order, requirement, decision or determination where the person aggrieved has materially changed his
36 position in good faith reliance on the action of the zoning administrator or other administrative officer
37 unless it is proven that such written order, requirement, decision or determination was obtained through
38 malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day
39 limitation period shall not apply in any case where, with the concurrence of the attorney for the
40 governing body, modification is required to correct clerical or other nondiscretionary errors.

ENROLLED

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