

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 570

An Act to amend and reenact § 15.1-494 of the Code of Virginia, relating to the board of zoning appeals.

[H 1587]

Approved March 20, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-494 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-494. Boards of zoning appeals to be created; membership, organization, etc.

In and for any county or municipality which has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, there shall be created a board of zoning appeals, which shall consist of no more than seven and no less than five residents of the county or municipality but shall always be an odd number, appointed by the circuit court ~~of~~ *for* the county or city. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county or municipality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. ~~There shall also be appointed by~~ The circuit court ~~of~~ *for* a municipality having a population of more than 140,000 but less than 170,000 or more than 390,000 but less than 395,000 ~~not less than~~ shall appoint at least one ~~not~~ *but not* more than three alternates to the board of zoning appeals, ~~whose~~. *The circuit court for any town may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members 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 chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent member's place and the records of the board shall so note.*

Counties and municipalities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals, which shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court ~~of~~ *for* each county or city, plus one member from the area at large to be appointed by the circuit court, or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

With the exception of its secretary and the alternates, the board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the county or municipality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after hearing held after at least fifteen days' notice.