

Agenda

Botetourt County Board of Zoning Appeals

Botetourt County Administration Center
57 S. Center Drive, Daleville, Virginia
Tuesday, June 14, 2022, 9:00 AM

*Anyone interested in addressing the Board of Zoning Appeals should complete a "Request to Speak" form and give it to the secretary before the meeting begins. Forms are located with the agendas and at the secretary's table. When your name is called, please go to the podium and **state your name and address** before making your comments. Comments made to or from the audience during testimony or commission deliberation are not permitted. Recognized speakers and the audience must be courteous at all times. A time limit of three minutes per speaker (unless otherwise provided for by a majority of the Board of Zoning Appeals members present) will be observed.*

1. Public Hearing

- A. Valley District: PFJ Southeast LLC Store # 258 (Pilot Travel Centers LLC) has appealed the decision of the Botetourt County Code Enforcement Officer's February 25, 2022 Notice of Zoning Violation regarding Section 25-463(a) - Administration of the Botetourt County Zoning Ordinance requirement for an approved sign permit; Section 25-503.- Lighting Plan Required for the applicant of any permit affecting or involving outdoor lighting fixtures; Section 25-571.- Zoning permits.- that states that no changes can be made, including additions to existing structures, without an approved zoning permit; Section 25-573. - Site plan—When required. A site plan shall be required unless waived by the zoning administrator. The appeal is made pursuant to Botetourt County Code § 25-552. Appeals of administrative officers and Code of Virginia § 15.2-2311. Appeals to Board. This 2.2812-acre property is zoned Business (B-3) and is located at 2966 Lee Highway, Troutville (US Route 11), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 182A.

2. Other Business

- A. Review and approval of November 9, 2021 minutes.
- B. Adoption of the 2022 Board of Zoning Appeals Bylaws.
- C. Nomination and election of Chair and Vice-Chair.
- D. Nomination and election of Secretary to the Board of Zoning Appeals.

3. Adjourn

It is the intention of Botetourt County to comply with the Americans with Disabilities Act (ADA) in all respects. If an attendee or participant at this meeting needs special assistance beyond what is normally provided, Botetourt County will attempt to accommodate you in a reasonable manner. Please contact Laura Goad (540.928.2080) at least 72 hours prior to the meeting to inform us of your particular needs and advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

BYLAWS OF THE BOTETOURT COUNTY BOARD OF ZONING APPEALS

February 9, 2021

I. AUTHORITY AND NAME

The Botetourt County Board of Zoning Appeals (BZA) was established in accordance with provisions of Chapter 22, Article 7, §15.2-2308 of the Code of Virginia (1950), as amended.

II. MEMBERS

The Board of Zoning Appeals shall consist of five (5) members, appointed in accordance with Chapter 22, Article 7, §15.2-2308 et seq. of the Code of Virginia (1950), as amended. There shall, if possible, be one voting member from each of the County's five magisterial districts. The term of office shall be five (5) years.

Members of the Board of Zoning Appeals shall hold no other public office in the county, except that one of the appointed members may be a member of the Planning Commission. The voting members shall serve initial terms so that at least one term expires annually. After this sequence is established, terms shall be for five years. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance, misfeasance or nonfeasance in office.

The Board of Supervisors may provide for compensation to board members for their services, reimbursement for actual expenses incurred, or both.

III. OFFICERS

The Board of Zoning Appeals shall organize and elect a Chair and a Vice-Chair annually in the month of January, or during the next scheduled meeting of the Board.

The Chair of the Board of Zoning Appeals shall preside at all meetings of the Board. In the event of the absence or disability of the Chair, the Vice-Chair shall preside. In the event of the absence or disability of both the Chair and Vice-Chair, the remaining members of the Board shall elect by a majority vote a temporary Chair who shall preside at the meeting for which they are elected.

The Chair of the Board of Zoning Appeals shall perform such other duties as are designated by statute or by the bylaws of this Board. In event of the absence or disability of the Chair, the Vice-Chair shall, to the extent permitted by statute, perform the duties of the Chair.

The Chair, or in the event of his/her absence or disqualification, the acting Chair may administer oaths and compel the attendance of witnesses at meetings of the Board of Zoning Appeals.

The Board of Zoning Appeals shall choose annually, or during the next scheduled meeting of the Board, a secretary who is either one of its members or a qualified individual who is not a member of the Board. A secretary who is not a member of the Board shall not be entitled to vote on matters before the Board. The secretary shall prepare minutes of meetings, keep all records and conduct official correspondence of the board, and such other duties as these rules may provide and the Board of Zoning Appeals may, from time to time, assign.

IV. DUTIES

The duties of the Board of Zoning Appeals shall be in accord with the provisions of Chapter 22, Article 7, §15.2-2309 of the Code of Virginia, 1950, as amended. The Board of Zoning Appeals shall have the following powers and duties:

- a. To hear and decide appeals from any order, requirement, decision, or determination of the Zoning Administrator or his or her designees or other administrative officer in the administration or enforcement of the zoning ordinance.
- b. To hear and decide on the granting of variances, in the strict application of the zoning ordinance (Chapter 25 of the Code of Botetourt County).
- c. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.
- d. Such other and further powers and duties as may be imposed by law or the Code of Botetourt County.

V. QUORUM

Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by Chapter 22, Article 7, §15.2-2312 of the Code of Virginia, 1950, as amended, no action of the Board shall be valid unless authorized by a majority vote of those present and voting. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth.

VI. AGENDA

The Secretary shall prepare and make available to each member of the Board

a detailed agenda at least one (1) day prior to each regular meeting of the Board.

The agenda may be departed from with the consent of the Chair or by a majority vote of the members present.

It shall be the responsibility of each member to notify the Secretary of any matter which such member wishes included on the agenda. Any matter not disposed of at a meeting shall be included on the agenda of the next regular meeting.

For any special meeting, the business to be discussed shall be stated in the call for such meeting. No other business shall be discussed or acted upon over the objection of any member present.

VII. HEARINGS

Any advertised public hearing shall be considered a special order of business at the time set for such hearing and shall supplant any matter on the agenda except the approval of the minutes.

The Board of Zoning Appeals may impose time limitations on staff, applicants, appellants, and other speakers. The Board of Zoning Appeals must offer an equal amount of time in a hearing on the case to the applicant and the staff of the local governing body. If time limits are imposed, they shall generally be as follows: each applicant and appellant and staff shall be allowed to make a presentation not to exceed ten (10) minutes, and a closing remark at the close of the hearing on the matter not to exceed three (3) minutes; each other person speaking on the matter shall be allowed one appearance not to exceed three (3) minutes. A speaker may not reserve any time for rebuttal or transfer any time to another speaker. The time limits set forth herein shall not include any time during which the applicant or other speaker is responding to questions asked by the Board of Zoning Appeals. The Recording Secretary shall act as the timekeeper. The Board of Zoning Appeals may set alternate time limits to those listed herein, provided that they are identified at the Board of

Zoning Appeals meeting prior to the meeting at which these new limits would be used.

VIII. RULES OF ORDER

The deliberations of the Board of Zoning Appeals, unless otherwise provided by statute or these bylaws, shall be governed by "A Handbook of Parliamentary Procedure" (Publication. 305-772, Virginia Cooperative Extension Service), with the exception that the Chairperson may make a motion and will vote on any issue, and no second is required on motions. If the foregoing is inapplicable, then the current Robert's Rules of Order shall govern.

Appeal may be taken by any member from a ruling of the Chair. A majority vote of those members present shall determine any appeal. Any motion to close debate shall require approval by two-thirds (2/3) vote of those members present.

IX. REGULAR MEETINGS

The regular meetings of the Board of Zoning Appeals shall be held on the second Tuesday of each month, beginning at 9:00 a.m. in the Board meeting room of the ~~Old General District Courthouse in Fincastle, Virginia,~~ **57 S. Center Drive, Daleville, VA** provided, that when the second Tuesday of any month falls upon a legal holiday such regular meeting in such month shall be held on the next following business day; and provided further, that the Board of Zoning Appeals may, by resolution at any meeting, provide that the next following regular meeting shall be held at a different time or place, and it shall then be the duty of the Secretary to give timely notice thereof to all members and to inform the media.

If the Chair, or the Vice-Chair, if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Board of Zoning

Appeals members to attend a regular meeting, the meeting shall be rescheduled to a date and time decided by the Chair and agreed upon by the members and applicants. This finding shall be communicated to the members of the Board of Zoning Appeals and to the press as promptly as possible. Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board of Zoning Appeals is complete.

X. SPECIAL MEETINGS

Special meetings of the Board may be called by the Chairperson or by two or more members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

Whenever state law requires public notice of a special meeting of the Board of Zoning Appeals, the Secretary shall provide such notice in accordance with Virginia Code §15.2-2204.

XI. ELECTRONIC MEETINGS

Provided that a quorum is physically present at one place that is open to the public and arrangements have been made for all persons to be able to hear one another speak, the Board may allow members to participate in meetings electronically under the provisions of this section.

On or before the day of a meeting, a member of the Board must notify the Chair that:

- a. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or

- b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision is limited each calendar year to two meetings.

The Secretary shall record in its minutes the remote location from which the member participated and the reason why the electronic participation was authorized.

The Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. In such circumstance, the Board shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting; and
- c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

XII. AMENDMENTS

These bylaws may be amended by a majority vote of the Board with not less than 21 days notice to all members.