

# ZONING BOARD OF APPEALS

## RULES AND REGULATIONS

### SECTION 1- Organization of the Board

#### A. Board Membership

As stated in the Town Code of Ordinances, the Zoning Board shall consist of seven (7) members, appointed by the Town Council to serve without compensation for three-year terms expiring on January 1. The Board shall elect a Chair and a Secretary from its own membership, both to be elected for one year, and the Board shall make such rules as it deems necessary to carry out the provisions of this Ordinance.

#### B. Board Officers

1. A Chair and a Secretary shall be elected annually by the Board members at the regular January meeting.
2. In the absence of the Chair, the Board Secretary shall assume the duties of the Chair.
3. Should both the Chair and the Secretary be absent from a Board meeting, a temporary Chair shall be elected by a majority of the Board.

#### C. Board Responsibilities

##### 1. **The Responsibilities of the Chair shall include the following:**

- a. To call meetings of the Board as required;
- b. To preside at all Board meetings;
- c. To be the official spokesperson of the Board; and
- d. To Decide what rules of procedure (when used) should be waived.

##### 2. **The Responsibilities of the Secretary shall include the following:**

- a. To maintain a permanent record of all Board meetings;
- b. To maintain a permanent record of all Board correspondence;
- c. To maintain all the records required as part of the various proceedings that may be brought before the Board;
- d. To record any rules that the Board adopts for the conduct of public meetings; and
- e. To file all Board records in the office of the municipal clerk.

**3. The Responsibilities of all Members shall include the following:**

- a. To have a thorough knowledge of the local Zoning Ordinances, subdivision laws, municipal building code, the Town's Comprehensive Plan and State Statutes relating to the Board and the judgments it makes;
- b. To regularly attend Board meetings and hearings; and
- c. To be prepared and have familiarity with the applications presented to the Board, which may include a site visit of the property that is the subject of the application.

**SECTION 2 – Meetings/Hearings**

- A. Regular – The regular meeting/heating of the Zoning Board of Appeals shall be Held in the Town Hall or such place that the Board may designate at 7:00 p.m. on the fourth Tuesday of each month unless no appeals are ending. The date, time and place of any regular meeting may be changed by an order of the chair.
- B. Special- Special meetings may be called by the Chair or when requested by a majority of the Board. The call for a special meeting shall set forth the matters to be acted upon by the Board.
- C. Workshop- Workshop meetings shall be held at the discretion of the Chair.
- D. Quorum – A quorum shall consist of at least four members of the Board for the transaction of business.

**SECTION 3 – Conduct of Hearings**

A. General

1. The Chair shall call the meeting to order at the appointed time, having the roll called and if a quorum is present, have the minutes of the preceding meeting approved, then to business.
2. The Chair shall declare all votes. If any member doubts a vote, the Chair shall have a recount of all affirmative and negative votes without debate. The recording secretary shall record all votes.
3. At the meeting, the Chair will apprise those present of any comments made by interested parties pertinent to applicants' appeal before the Board.
4. In the conduct of it's meeting, the Zoning Board will be guided by Robert's Rules of Order. All members not otherwise disqualified by a conflict of interest shall be required to vote on each item.

5. At the meeting, the Code Enforcement Officer (“CEO”) shall give a brief overview of each agenda item as it is called by the Chair. Then the applicant shall be given an opportunity to make a presentation and answer any questions the Board may have of the applicant. Following the presentation by the applicant and questioning by the Board, the Chair shall solicit comments from the public, first from those in favor of the application, then those in opposition. Members shall be given the opportunity to ask questions of those making comments during the public hearing. The applicant shall then be given the opportunity to respond to any of the comments made during the public hearing. The Chair then shall announce the close of the public hearing and the Board shall begin its deliberation and vote on the question.
6. If a question of possible conflict of interest is raised, the member with the potential conflict shall make full disclosure of the potential conflict and make the initial decision as to whether he or she should abstain from taking part in voting on an application. If there is any question among the members as to whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue, it shall be decided by a majority vote of the members, excluding the member who is being challenged.
7. No new matter shall be taken up after 10:00 p.m. and meetings shall conclude at 11:00 p.m.
8. The Board may reconsider any decision reached within thirty (30) days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within thirty (30) days of the vote of the original decision. The Board may conduct additional hearings and receive additional evidence testimony. A motion to Reconsider shall be made only by a member who voted on the prevailing side on the original decision.

B. Decorum and Order

The Chair shall preserve decorum and decide all questions of order and procedure.

C. Public

1. Persons wishing to address the Board concerning an agenda item shall wait until the chair asks for public comment. When recognized by the Chair, the person shall state his/her name and address in an audible tone for the record. The person shall limit his /her remarks to the issue under decision.

2. Persons wishing to address the Board on an item not appearing on the agenda may do so only after disposition of all items appearing on the agenda and at the discretion of the chair.

#### **SECTION 4- Adoption and Amendments**

- A. The rules shall not be dispensed unless a majority of the Board consent thereto.

#### **SECTION 5 – Procedures**

##### A. Agendas

1. Approximately fourteen (14 ) days prior to a regularly scheduled meeting, the CEO shall prepare an agenda and relevant material will be sent to Board members approximately seven (7) days before regularly scheduled meetings.

##### B. Applications

1. The CEO shall establish procedures and guidelines for filing an appeal after consultation with the Zoning Board
2. The applicant shall submit ten (10) copies of the application and any supporting written materials to the CEO at least fourteen (14) days before the Board meeting. Late submissions shall not be placed on the agenda until the following month's meeting.
3. In the event there are only four (4) Board members present to hear an application for a variance, the applicant shall be given the option to table the matter to the next regularly scheduled meeting of the Board.