



**Westmoreland County
Board of Zoning Appeals
AGENDA**

Thomas Andrews
Matthew Beard
James McConkie
Dexter Monroe
Lonnie Thurston

George D. English, Sr.
Memorial Building
111 Polk Street
Montross, VA 22520
Board Room

Monday, March 23, 2026

1. Statement: A quorum of the Board of Zoning Appeals Board members are physically present, this meeting is also being broadcast electronically.
2. Election of Officers
3. Approval of Minutes
 - A. Approval of October 2025 Meeting Minutes
4. Public Hearings
 - A. **Case # 2603-V-01** - CLS Contractor LLC, 5506 Joshua Tree Circle, Fredericksburg, VA 22407 request a variance of the Zoning Code requirements found in Article 2, Section: 17, Subsection: 4 referencing corner lot street side setbacks. This project is located on Mattox Avenue, Colonial Beach, TM # 10C-13-5-29, Washington Magisterial District.
5. Other Matters
 - A. Review and adoption of by-laws.
 - B. Establish regular meeting date: the 4th Monday of each month at 9:00 a.m.
6. Adjournment

A regular meeting of the Westmoreland County Board of Zoning Appeals was held on Monday, October 27, 2025 in the George D. English, Sr. Memorial Building, 111 Polk Street, Montross, Virginia. Those members present were James McConkie, Thomas Andrews, Lonnie Thurston, and Matthew Beard. Dexter Monroe was absent.

Interim Director Richard H. Stuart Jr. was also present.

CALL TO ORDER

Chairman McConkie called the meeting to order at 9:02 AM. The roll was called and a quorum declared.

PRIOR MINUTES

Mr. Beard moved to approve the August 2025 minutes as presented. Mr. Thurston seconded; the motion carried with a unanimous vote.

CASE# 2509-V-03 – Richard McMurray and Cammie & Cheryl Mangrum 10221 Dale Drive Fairfax VA 22030 & agent Bayshore Design LLC 8518 Cople Highway Hague VA 22469 request approval for a replacement home to be located within the street setback. This project is located at 608 Narrows Beach Road Hague, TM 38C-1-10, Cople Magisterial District.

Chairman McConkie explained the meeting process to applicants and agents present.

Richard H. Stuart Jr. presents the facts of the case and answering questions that the board has.

Mr. Beard motions to approve CASE# 2509-V-03 as presented. The motion included the staff's recommended conditions as provided below. Mr. Thurston seconded, and CASE# 2509-V-03 was approved unanimously with the following conditions:

1. The proposed development shall be in substantial conformance with the Structural & Vegetative Mitigation, E&S Plan designed by Bayshore Design and dated June 20, 2025.
2. The applicant shall record the notice of the Board of Zoning Appeals' decision as furnished by the Land Use Administration. A copy of the recorded instrument shall be submitted to the Land Use Administration prior to issuing any permits for this construction.
3. This variance shall become effective immediately after the decision of the Board of Zoning Appeals. However, no permits shall be granted until the Westmoreland County Land Use Administration receives a copy of the recordation described in item 2 above and provided all provisions of the decision have been complied with.

4. The applicant is aware that any person aggrieved by the decision of the Board of Zoning Appeals may file an appeal within 30 days of this decision in accordance with Section 15.2-2314 of the Code of Virginia. Any construction performed prior to this appeal date is at the owners' risk of potential litigation on this project.
5. No additional development will be permitted on the property except in compliance with the Zoning Ordinance.
6. All necessary local, state, and federal plan application(s), review, and approval processes shall be complied with and adhered to.
7. Failure to abide by these requirements or conditions will result in the immediate revocation of the variance.

Chairman McConkie reminded the audience that in accordance with the provisions of §15.2-2285 of the Code of Virginia 1950, as amended there was a 30-day period in which they could appeal this decision to the Circuit Court of Westmoreland County. Chairman McConkie added that failure to file an appeal within the stated time shall validate this decision and make it unappealable.

OTHER MATTERS

Richard H Stuart Jr. mentioned that Beth McDowell has resigned as Planning Director and that he would be the new interim director. Mr. McConkie mentioned a Letter of Commendation for Ms. McDowell, Mr. Beard motioned to have a Letter of Commendation written. Mr. O'Neil seconded the motion. The motion carries with a unanimous vote.

ADJOURNMENT

There being no other business to come before the Board, Mr. Thurston moved that they adjourn, Mr. Beard seconded, the motion carried by unanimous vote with the meeting adjourning at 9:29 AM.



Westmoreland County, Virginia

Land Use Administration

P. O. Box 1000
Montross, VA 22520
Phone 804-493-0120 FAX 804-493-0604

2026-00063

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

VARIANCE APPLICATION TO THE BOARD OF ZONING APPEALS

(Last revised October 18, 2024)

Case No: 2603-V-01

Date Received: 1-23-26

Fee \$600: paid Check #: 1445 (submit with application - nonrefundable)

Assigned to the agenda for: March Planning Commission + BZA

PROPERLY COMPLETED APPLICATIONS, SUPPORT MATERIALS, AND FEE MUST BE RECEIVED BY THE APPROPRIATE DEADLINE FOR CONSIDERATION AT THE NEXT AVAILABLE MEETING.

Property Address: TBD Mattox Ave.

Tax Map Identification: 10C-13-5-29

Acreage: _____

Zoning District: R-2

Magisterial District: Washington

Owner(s): CLS Contractor LLC

Email: maralob027@yahoo.com

Mailing Address: 5506 Joshua Tree Circle

City: Fredericksburg

State: VA

Zip: 22407

Phone #: 540-538-1347

Phone #: 540-388-6573

Agent/Applicant: _____

Email: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone #: _____

Phone #: _____

I/we respectfully request the Board to review this application for the following determination:

Request a variance of the **ZONING CODE** requirements found in Article 2, Section: 17,
Subsection: 4 being further described as: Corner Lot Street-Side
Setbacks

Describe the current use of this property: Vacant residential lot

Describe the nature and purpose of this variance: Redesigned house
to fit pulled house from corner for
visibility

The following documents shall accompany variance applications for consideration:

1. Seven (7) paper copies of all documents, plus one (1) digital PDF for staff review.
2. Plot or Site plan with accurate dimensions of the parcel and showing all existing and proposed building(s) and structure(s) with their exact location on the property.
3. Boundary survey showing all applicable easements.
4. Floor plans of all existing and/or proposed structures.
5. Building elevation views of the existing and/or proposed construction.
6. Topography Map, when required.
7. Other documentation that you feel is relevant for your case.

Has the owner previously filed an appeal in connection with the property? YES X NO
If yes, describe the nature of the appeal, date and the decision that was rendered: _____

Pursuant to Section 15.2-2309 of the Code of Virginia, specific findings are required by the Board of Zoning Appeals before granting any variance. You are required to answer each of the following questions. The burden by law is on you to show that all of the criteria for granting a variance are met. Respond to each of the following questions, giving good and just cause for the Board's determination. Any of the questions left incomplete can be considered by the Board as grounds for disapproval.

1. How will the strict application of the ordinance unreasonably restrict the utilization of the property? Or, alternatively, how will the granting of the variance alleviate a hardship due to a physical condition relating to the property or improvements?

by Code will live us 12 ft building
Area

2. Will the granting of the variance alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability? (answer yes or no) If so, explain the circumstances. *Please note that any variance granted on behalf of a person with a disability may expire when the person benefited by it is no longer in need of the modification.

Not

3. Was the property acquired in good faith, meaning the owner did not purchase the property knowing of an outstanding violation that necessitates the current variance application to correct the issue? (answer yes or no) If there was a known outstanding violation, explain the circumstances.

Yes

4. Was there any action by the applicant that created the hardship that necessitates this variance application? (answer yes or no) If so, explain the circumstances.

Not

5. How will the granting of this variance not be considered of substantial detriment to adjacent and nearby properties?

The set back will be reduced by the road and will not impact neighboring properties

6. What conditions or situations exist upon the property that cannot be considered so general or recurring to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance?

7. Would the granting of this variance result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property? (answer yes or no) If so, explain the result/change.

no

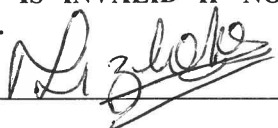
8. Is the relief or remedy sought by the variance application available through a special exception process or the process for modification of a zoning ordinance? (answer yes or no) If so, explain why that option was not pursued.

no

I/We the undersigned hereby certify that the information presented on this application is true and correct to the best of my/our knowledge. I/We further understand that upon the review of the documents submitted, should it be determined that the not meet the requirements, the application shall not be forwarded to the Board until the issues are resolved. The applicant shall be responsible for all additional advertising and cost associated with the re-hearing of this case.

I/we hereby grant permission for staff and Board members to go upon the above property.

*** THIS APPLICATION IS INVALID IF NOT SIGNED BY ALL PROPERTY OWNERS AND THEIR AUTHORIZED AGENTS.**

Owner Signature:  Date: 01/23/26

Date: _____

Date: _____

Agent/Applicant Signature: _____ Date: _____

Date: _____



Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Board of Zoning Appeals **Staff Report**

Date: February 13th, 2026
From: Kelly V. De Jesus, *Assistant Planning Director*
Case #: 2603-V-01
Site Address: 29 Mattox Ave. & Circle Lane, Intersection
Site Location: Placid Bay Estates
Magisterial District: Washington Magisterial District
Site Tax Map: 10C-13-5-29
Owner/Applicant: CLS Contractor, LLC
Site Property Size: 0.23 acres (± 9,941 square feet)
Site Zoning District: R-2 Residential Limited Uses
Utilities: Public Sewer and Community Water
Authority: Zoning Ordinance Sec. 10-3.13 "Variance"
Project Description: Request for variance to allow construction of a Single-Family Dwelling within the side-street setback
Board of Zoning Appeals: Monday, March 23rd, 2026 (9 am @ English Building)

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FINDING OF FACTS

Description of Project:

The subject property is located toward the northeastern section of the Placid Bay Estates Subdivision, situated at the intersection of Mattox Avenue & Circle Lane. The subdivision was platted in 1965, predating the current Zoning Ordinance and standards therein. The current state of the lot is wooded and relatively flat. The proposal is to construct a single-family dwelling.

Setbacks:

This is a standard, non-conforming lot. It has less than 80' of street frontage and less than 12,000 square feet of land. As such, the required front setback of 60' from the centerline of the 50-foot wide right-of-way, remains; as does the 35' street-side setback measured from the property line, as mandated in Table 2-17.4 "Lot and Yard Regulations." The two side setbacks for the interior property lines can be reduced to 5' for standard non-conforming lots as codified in Sec. 8-3.2.3 of

the Zoning Ordinance. These will be met by the proposed dwelling.

Need for Board Action:

The required minimum, street-side setback is 35', leaving a 23.8' wide buildable area. The applicants wish to construct a 29' x 46' single family dwelling, with an attached garage and deck. If the Board of Zoning Appeals grants the variance request, the northeastern side of proposed dwelling will encroach into the street/side setback by 22.7', positioning it 12.3' from Circle Lane. The applicants positioned the dwelling toward the rear/center of the block, thereby providing additional space for the site-triangle of visibility, thus increasing the safety for pedestrians and motorists alike.

Water/Sanitary System:

This property is served by the Westmoreland County Sewer System and community water.

REQUIRED VARIANCE STANDARDS

Pursuant to section 15.2-2309 of the Code of Virginia includes specific findings that the Board of Zoning Appeals needs to make before granting any variance. They are as follows:

Notwithstanding any other provision of law, general or special, a variance *shall* be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.

Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

RECOMMENDATION

The Planning Commission unanimously supports granting the Variance should the Board of Zoning Appeals approve.

This project meets the state's criteria for receiving a Variance. The lot was subdivided prior to the current Zoning Ordinance, and the applicants will develop in accordance with its intended use.

Should the Board consider approval of the request, staff recommendations are as follows:

1. The single-family dwelling shall be in substantial conformance to the "Plat Showing Placid Bay Estates Circle Lane Section Block 5 – Lot 29 Tax Parcel 10C-13-5-29," drafted by Benchmark Group, Inc. Dated January 19th, 2026 and revised January 23rd, 2026 and building plans submitted with this application.
2. The applicant shall record the notice of the Board of Zoning Appeals' decision as furnished by the Land Use Administration. A copy of the recorded instrument shall be submitted to the Land Use Administration prior to issuing any permits for this construction.
3. This variance shall become effective immediately after the decision of the Board of Zoning Appeals. However, no permits shall be granted until the Westmoreland County Land Use Administration receives a copy of the recordation described in item 2 above and provided all provisions of the decision have been complied with.
4. The applicant is aware that any person aggrieved by the decision of the Board of Zoning Appeals may file an appeal within 30 days of this decision in accordance with Section 15.2-

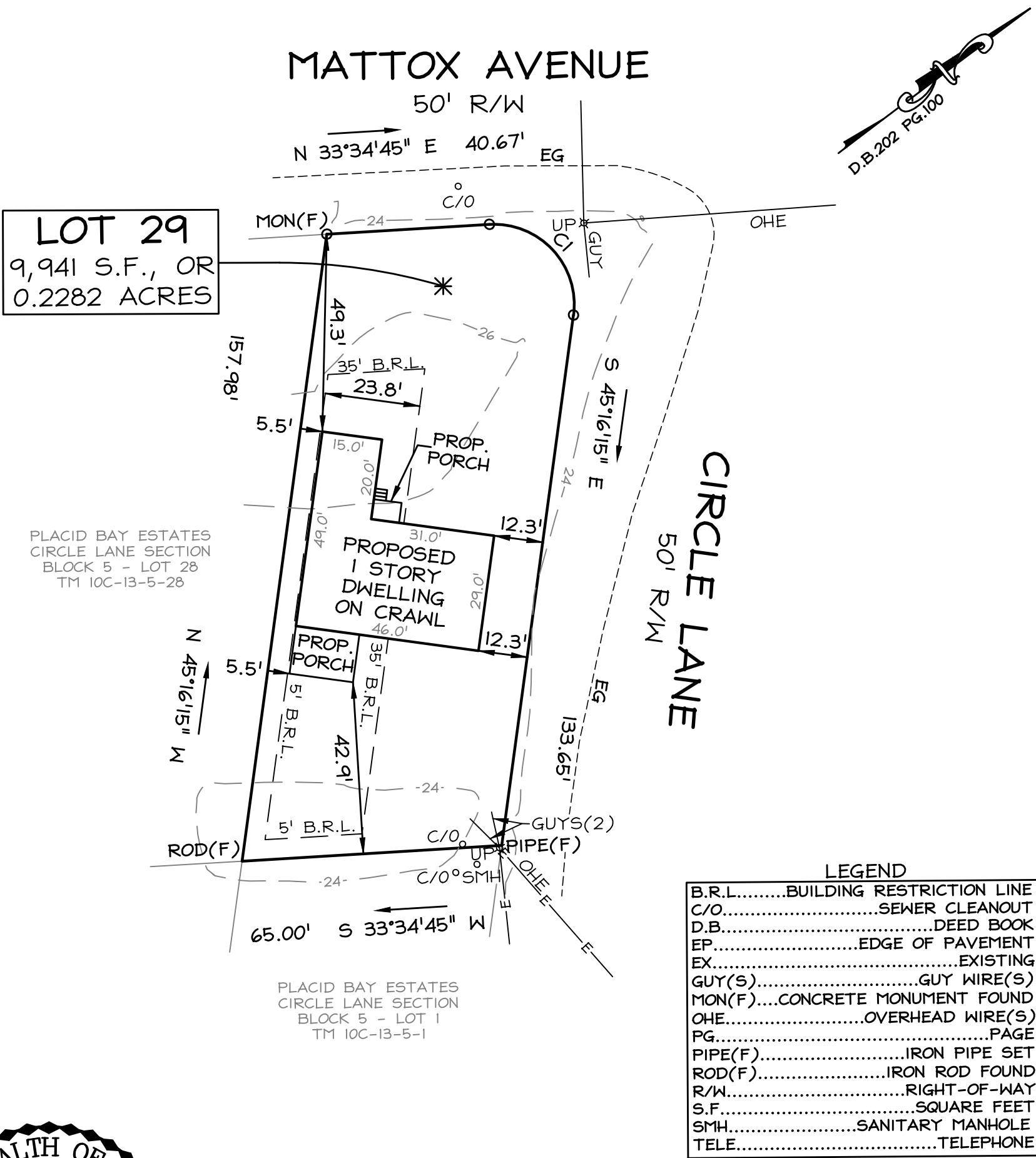
2314 of the Code of Virginia. Any construction performed prior to this appeal date is at the owners' risk of potential litigation on this project.

5. No additional development will be permitted on the property except in compliance with the Zoning Ordinance.
6. All necessary local, state, and federal plan application(s), review, and approval processes shall be complied with and adhered to.
7. Failure to abide by these requirements or conditions will result in the immediate revocation of the variance.

Attachments:

Application
Proposed Site Plan
Building Plans

- NOTES:
1. NO TITLE REPORT FURNISHED.
2. EASEMENTS AND RESTRICTIONS MAY EXIST WHICH DO NOT APPEAR ON THIS PLAT.
3. BOUNDARY INFORMATION TAKEN FROM PLAT BY J. ARTHUR COOKE DATED NOVEMBER 9, 1964 & RECORDED IN DEED BOOK 202 PAGES 107-100.
4. NO PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN THE F.I.R.M. 100 YEAR SPECIAL FLOOD AREA ZONE "A" AS INDICATED ON PANEL #51193C 0080 F, DATED MAY 17, 2022. HOWEVER, THIS PROPERTY IS LOCATED IN ZONE "X".



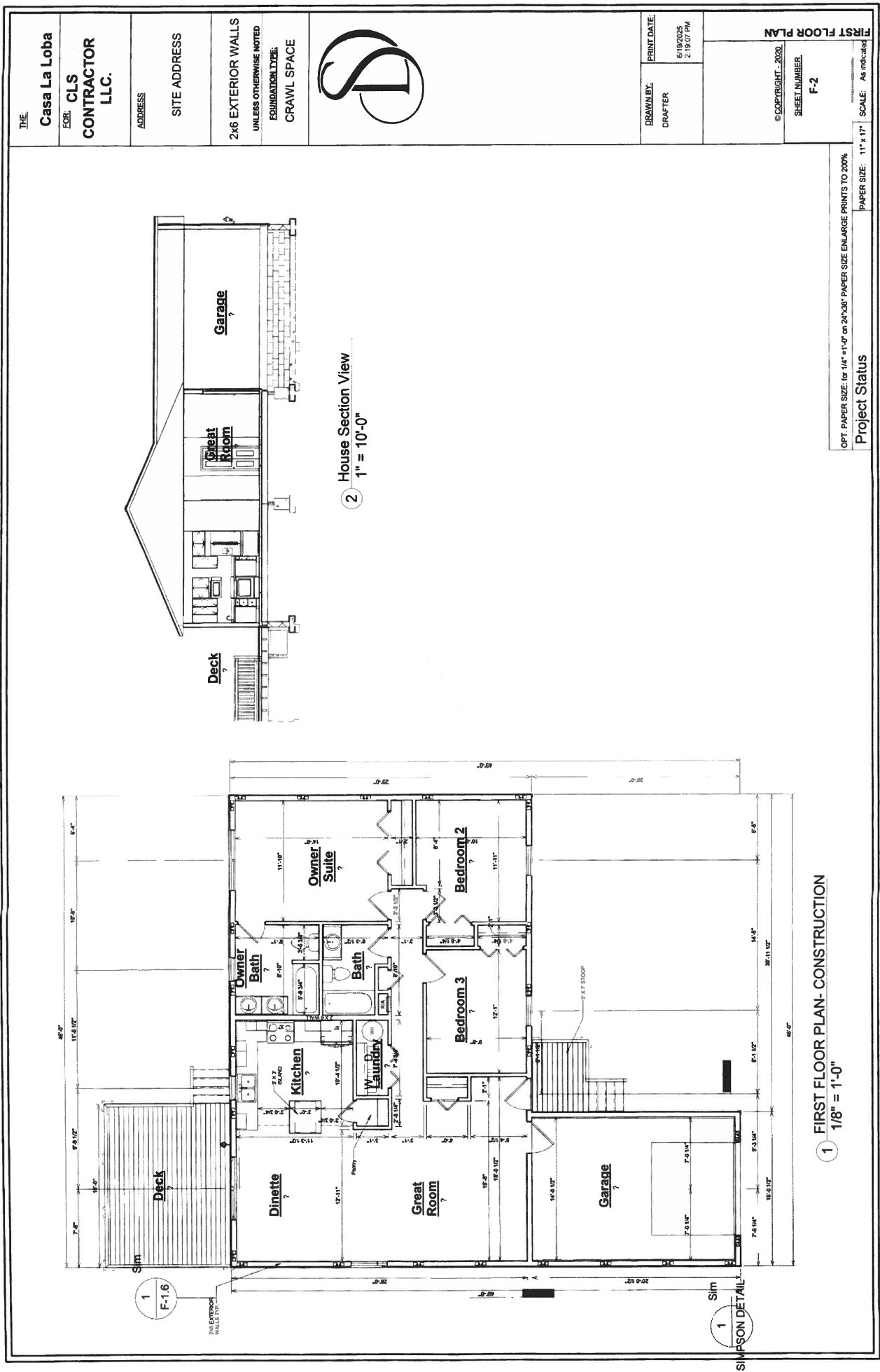
SURVEYOR'S CERTIFICATE
THIS PLAT WAS PREPARED FROM A FIELD
RUN SURVEY, THERE ARE NO ENCROACHMENTS
EITHER WAY OVER THE PROPERTY LINE EXCEPT
AS SHOWN AND IS CERTIFIED CORRECT TO THE
BEST OF MY BELIEF AND KNOWLEDGE.



PLAT SHOWING
**PLACID BAY ESTATES
CIRCLE LANE SECTION
BLOCK 5 - LOT 29**
TAX PARCEL 10C-13-5-29
WASHINGTON MAGISTERIAL DISTRICT
WESTMORELAND COUNTY, VIRGINIA
SCALE: 1"=30' JANUARY 19, 2026
REVISED JANUARY 23, 2026
JOB# 25538 CMM



THE
BENCHMARK GROUP, INC.
LAND DEVELOPMENT CONSULTANTS
5321 WHELAN WAY PARTLOW, VA 22534
540-785-3118





Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

BY-LAWS
of the
BOARD OF ZONING APPEALS
for
WESTMORELAND COUNTY

ARTICLE I
NAME, PURPOSE, AND AUTHORITY

1-1 Name. The official title of this board shall be the "Board of Zoning Appeals for Westmoreland County".

1-2 Purpose. The purpose of the Board of Zoning Appeals for Westmoreland County is to exercise that authority delegated to it in a fair and consistent manner; to balance private property rights with the public interests; to promote the health, safety, morals, and general welfare of the citizens of Westmoreland County; and to promote and further the spirit and purpose of the Westmoreland County Zoning Ordinance.

1-3 Authority. The Board of Zoning Appeals for Westmoreland County is established pursuant to and shall operate in accordance with the authority and responsibilities set forth in § 15.2-2308 et. seq. of the Code of Virginia, 1950, as amended; and Section 11-1, Provisions for Appeal - Board of Zoning Appeals, of the Zoning Ordinance of Westmoreland County and any amendments or revisions thereto as may be subsequently adopted.

1-4 Adoption of By-Laws. This document shall be known and may be cited as the "By Laws of the Board of Zoning Appeals for Westmoreland County". These By-Laws are adopted pursuant to § 15.2-2308 of the Code of Virginia, 1950, as amended, and shall be effective, by a two-thirds majority vote on and after August 25, 1997 and reaffirmed on and after February 23, 2026.

ARTICLE II MEMBERSHIP

2-1 Number of Members. The number of members on the Board of Zoning Appeals is set by the Board of Supervisors in accordance with the requirements of § 15.2-2308 of the Code of Virginia, 1950, as amended. Upon adoption of the Zoning Ordinance of Westmoreland County, the size of the Board of Zoning Appeals was established at five members. The Board of Zoning Appeals may also include an alternate.

2-2 Qualification of Members. Members of the Board of Zoning Appeals shall hold no other public office in Westmoreland County, with the exception that one member may also be a member of the Westmoreland County Planning Commission. A member shall not be considered to be in good standing; shall not be entitled to take part in the deliberations of the Board of Zoning Appeals; and shall not vote until and after the member shall have taken an oath of office administered by the Clerk for the Circuit Court after having been appointed or re-appointed by the Circuit Court.

2-3 Appointment of Members. Members of the Board of Zoning Appeals are appointed by the Circuit Court for Westmoreland County. Traditionally, the Court has considered the recommendation of the Board of Supervisors. The Secretary for the Board of Zoning Appeals shall notify the Board of Supervisors no less than two months prior to the expiration of the term of a member and shall indicate if the member has expressed a written desire as to whether or not to serve another term. The Secretary shall notify the Circuit Court at least thirty days in advance of the expiration of the term of a member. The Secretary shall notify the Circuit Court and the Board of Supervisors promptly when a vacancy occurs.

2-4 Term of Office. The term of office shall be for five years with the terms staggered such that a term expires each year. Members may be reappointed. Appointments to fill vacancies shall be only for the unexpired portion of the term. A member whose term expires shall continue to serve until his or her successor is appointed and qualifies.

2-5 Removal from Board. A member of the Board of Zoning Appeals may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the Circuit Court, after hearing with at least fifteen days' notice.

ARTICLE III

OFFICERS AND THEIR ELECTION

3-1 Officers. The officers for the Board of Zoning Appeals shall be:

- A. A Chairperson elected from the membership;
- B. A Vice-Chairperson elected from the membership; and
- C. A Secretary who may either be elected from the membership or be an employee of the Board of Supervisors and appointed by a majority vote of the Board of Zoning Appeals after consultation with the Board of Supervisors.

3-2 Election of Officers. The election of officers shall be the first order of business at the first regular meeting of the Board of Zoning Appeals in each calendar year. Such elections shall begin with nominations from the floor. Election of each officer shall require a majority vote of the Board of Zoning Appeals.

3-3 Chairperson. The duties and responsibilities of the Chairperson are:

- A. The Chairperson shall serve for the entire calendar year for which elected, or until his or her successor shall take office;
- B. The Chairperson shall be the residing officer at all meetings of the Board of Zoning Appeals;
- C. The Chairperson shall rule on all procedural questions, subject to reversal as prescribed by Robert's Rules of Order;
- D. The Chairperson, shall, by his or her signature, indicate the adoption of all Resolutions of the Board of Zoning Appeals and all Minutes of Proceedings of the Board of Zoning Appeals when approved by a majority vote; and
- E. The Chairperson shall otherwise discharge all other duties and responsibilities normally associated with the office.

3-4 Vice-Chairperson. The duties and responsibilities of the Vice-Chairperson of the Board of Zoning Appeals shall be:

- A. The Vice-Chairperson shall serve for the entire calendar year for which elected, or until his or her successor shall take office; and
- B. The Vice-Chairperson shall discharge the duties of the Chairperson in the Chairperson's absence or inability to act.

3-5 Secretary. The duties and responsibilities of the Secretary of the Board of Zoning Appeals shall be:

- A. The Secretary, if elected from the membership, shall serve for the entire calendar year for which elected, or until a successor shall take office;
- B. The Secretary, if an employee of the Board of Supervisors, shall be appointed by majority vote of the Board of Zoning Appeals, shall serve at the pleasure of the Board of Zoning Appeals without need for an annual re-appointment, but shall have no vote on matters before the Board of Zoning Appeals;
- C. The Secretary shall keep a written record of the proceedings of each meeting of the Board of Zoning Appeals;
- D. The Secretary shall notify all members of the Board of Zoning Appeals of all meetings;
- E. The Secretary shall prepare, in consultation with the Chairperson, and distribute to each member an agenda containing the Orders of the Day, for all meetings of the Board of Zoning Appeals;
- F. The Secretary shall be responsible for the correspondence of the Board of Zoning Appeals;
- G. The Secretary shall be the custodian for all records, reports, and files of the Board of Zoning Appeals;
- H. The Secretary shall discharge all other secretarial duties which may be assigned by the Board of Zoning Appeals;
- I. The Secretary shall serve an advisory role to, and only to the Chairperson in deciding procedural points and in interpreting Robert's Rules of Order in accordance with the Chairperson's responsibilities under these By-Laws; and
- J. The Secretary shall prepare an annual report of the activities of the Board of Zoning Appeals for the Board to review and submit to the Board of Supervisors in January of each year in accordance with Section 15.2-2308 of the Code of Virginia.
- K. The Secretary shall otherwise discharge all other duties and responsibilities normally associated with the office.

3-6 Vacancies in Offices. Vacancies in office shall be filled by election as per Section 3-2 at the next regular meeting following the vacancy. Any such elected officer shall serve for only the remainder of the term of office.

3-7 Removal from Office. Any officer may be removed from office by a three-quarters (3/4) majority vote of the Board of Zoning Appeals for misfeasance, malfeasance, or nonfeasance as an officer.

ARTICLE IV MEETINGS

4-1 Schedule of Regular Meetings. The Board of Zoning Appeals shall adopt a Standing Rule establishing a regular schedule of meetings, including the dates, times and locations of such meetings. When there is no old business and no new business to come before the Board of Zoning Appeals, the Secretary, acting in consultation with the Chairperson, may cancel a regularly scheduled meeting.

4-2 Order of Business. Each meeting of the Board of Zoning Appeals shall begin with a Call to Order, which shall be followed by a roll call and a determination of quorum and then a reading of the minutes of the prior regular meeting and of any special meetings held since the prior regular meeting. The Chairperson may waive the actual reading of the minutes provided that there is no objection by any member of the Commission.

4-3 Quorum. 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 of Zoning Appeals. A regular member when he knows he will be absent from a meeting shall notify the chairperson 24 hours prior to the meeting of such fact.

ARTICLE V RULES OF ORDER

5-1 Adoption of Rules of Order. The rules contained in Robert's Rules of Order Revised shall govern the Board of Zoning Appeals in all cases to which they are applicable, and in which they are not inconsistent with these By-Laws or special rules of order of the Board of Zoning Appeals or with the Code of Virginia, 1950, as amended.

5-2 Oaths and Subpoenas. The Chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

5-3 When Actions Become Effective. Any action of the Board of Zoning Appeals, unless specifically stated otherwise, shall become effective when voted upon and shall require no further action of the Board of Zoning Appeals. No public release shall be made unless it has officially been approved by the Board of Zoning Appeals or unless the Board of Zoning Appeals has authorized the Chairperson to make an appropriate release.

ARTICLE VI
AMENDMENT

6-1 Amendment. These By-Laws may be amended by a two-thirds (2/3) majority vote of the entire Board of Zoning Appeals at any regular meeting provided that the amendment was submitted in writing at the previous regular meeting.

6-2 Severability. Should any of the provisions of these By-Laws be found to be inconsistent with or in violation of the Code of Virginia, 1950, as amended, or inconsistent with or in violation of any other applicable law, then any such provision shall not thereby invalidate the remaining By-Laws.

Chairman

Date Adopted