

**RULES OF PROCEDURE
THE BOARD OF ZONING APPEALS
CITY OF HARRISONBURG, VIRGINIA
(Current Procedures)**

ARTICLE I. OFFICERS

1. The Board of Zoning Appeals (the Board) shall organize and elect a Chair and a Vice-Chair biennially in the month of May, or during the next scheduled meeting of the Board.
2. The Chair shall preside at all meetings and hearings of the Board and shall decide all points of order or procedure. The Chair, or in their absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses. (As per Section 10-3-134 of the City of Harrisonburg Zoning Ordinance)

ARTICLE II. MEETINGS

1. Regular meetings of the Board of Zoning Appeals shall be held on the first Monday in each month, as needed, at 4:00 p.m., unless that day falls on a legal holiday, in which case the meeting may be changed at the consensus of the Board. Staff shall make site visits available for the Board members on, or before the day of the regular meeting.
2. Special meetings may be held at other times as determined necessary by the Board, provided at least 24 hours notice of such meeting is given to each member.
3. A quorum of the Board shall consist of three members of the five member Board; one of which shall be either the Chair or Vice-Chair.
4. Hearings shall be open to the public and shall be held by the Board in City Council Chambers at 409 South Main Street or in such other place as the Board may deem necessary.
5. The order of business at all regular meetings of the Board shall be as follows:
 - a. Call to order
 - b. Roll Call
 - c. Determination of a quorum
 - d. Consent of agenda
 - e. Approval of minutes of previous meeting(s)
 - f. Hearing and consideration of cases on the agenda
 - g. Other business
 - i. New business
 - ii. Old business

- iii. Public input
- h. Adjournment

ARTICLE III. PROCEDURE FOR HEARING CASES

1. Cases shall be heard in the order, in which they appear on the agenda, except a case may be advanced for hearing by order of the Board upon good cause shown.
2. At the hearing, the order shall be as follows:
 - a. Presentation of case and explanation and/or report by Zoning Administrator or their designee when pertinent.
 - b. Open public hearing
 - i. Statement of applicant or appellant
 - ii. Statements of other persons in favor
 - iii. Statements by those opposed
 - iv. Applicant's rebuttal
 - c. Close public hearing
3. The Chair may prescribe a reasonable time limit for each side to present its case. To maintain orderly procedure, each side shall proceed without interruption by the other. Cross-examination will not be permitted, but questions may be directed to the Chair who may allow limited questioning. The name and address of each person speaking shall be recorded in the minutes.
4. At the time for considering the case, the Chair may call for a motion or if the Board decides that it is not sufficiently informed, it may continue the case and may request further information.
5. The final disposition of any appeal or application shall be in the form of a motion sustaining, reversing, varying or modifying the order, requirement or determination appealed from if it is an appeal. The motion shall set forth what variations or modifications are permitted and what conditions, if any, shall be complied with. Said motion shall refer specifically to the applicable provision in the City Code and shall set forth facts and findings in the case on which the decision is based, which shall be consistent with the requirements of law.
6. If a motion fails to receive a quorum, the motion has died and the application or appeal will be carried over for another motion until a final disposition is reached. The vote of each member present on each motion shall be recorded with the motion.
7. In any case in which the Board has denied an application, no such application shall be again considered by the Board within one year from the date of such refusal.

ARTICLE IV. REHEARING

1. No rehearing of any decision by the Board shall be had except on motion by a member of the Board who previously voted on the decision, which shall be made not later than the first regular meeting succeeding the meeting at which the motion was acted on; such motion shall be to reconsider the vote, and shall be carried by not less than three affirmative votes.
2. No motion for a rehearing shall be entertained unless new evidence is submitted, which could not reasonably have been presented at the original hearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request, and shall be accompanied by the necessary information, including a recitation of all evidence, which could not reasonably have been presented at the original hearing.
3. If a rehearing is granted, the case shall be put on the agenda for a rehearing. The same procedure as to notices shall be followed as in the original application.

ARTICLE V. ADVICE

No informal request for advice will be officially considered.

ARTICLE VI. SUSPENSION OF RULES

These rules may be suspended in whole or in part, only upon the unanimous vote of the entire Board.

ARTICLE VII. AMENDMENTS

These rules may be amended or modified by the affirmative vote of three members of the Board.

ARTICLE VIII. DISMISSAL OF CASES

Any application, appeal, motion, or rehearing may be dismissed for failure of the applicant to comply with the by-laws or these rules.