



**DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
Planning & Zoning  
Board of Zoning Appeals**

Board Meeting Room 250, Goochland County Administration Building  
1800 Sandy Hook Road, Goochland VA 23063

Monday, January 23, 2023

**Audio amplification headphones are available upon request**

**1:00 P.M.**

- A. CALL TO ORDER**
- B. DETERMINATION OF QUORUM**
- C. INTRODUCTIONS OF NEW MEMBERS & STAFF**
- D. ELECTION OF OFFICERS FOR 2023**
  - Chair
  - Vice-Chair
  - Appointment of Secretary
- E. REVIEW/APPROVAL OF BYLAWS**
- F. DISCUSS UPCOMING BZA CERTIFICATION SESSIONS**
- G. REVIEW/APPROVAL OF MINUTES – January 24, 2022**
- I. ADJOURNMENT**



**Board of Zoning Appeals**  
**Goochland County**  
**Bylaws & Rules of Procedure**

The following Bylaws and Rules of Procedure are adopted by the Goochland County Board of Zoning Appeals (“Board”) to enable it to discharge effectively its duties and responsibilities and to facilitate the exercise of its authority and powers.

**Article 1. Powers and Duties**

- 1.1 The powers and duties of the Board are defined in Article 7, Chapter 22, Title 15.2 of the Virginia Code (Section 15.2-2308 *et seq.*) and Chapter 15 of the Goochland County Code (Section 15-491 *et seq.*).
- 1.2 Specifically, the Board has the following powers and duties:
  - (1) To hear and decide variances.
  - (2) To hear and decide appeals from any written order, requirement, decision, or determination made by any administrator in the administration or enforcement of this zoning ordinance or the state laws pertaining to zoning.
  - (3) To hear and decide interpretations of the district map where there is any uncertainty as to the location of a district boundary.
  - (4) To fix a schedule of regular meetings and adopt procedures appropriate for the operation of the board.

**Article 2. Officers and Membership**

- 2.1 The Board shall organize and elect a Chair, Vice-Chair and Secretary at its annual meeting in the month of January.
- 2.2 The Chair shall preside at all meetings and hearings of the Board; the Chair decides all points of order and procedure, and appoints committee members to committees, if needed.
- 2.3 The Vice-Chair shall assume the duties of the Chair in the Chair’s absence.
- 2.4 The Secretary shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedures and state law; keep the minutes of the Board’s proceedings; and keep a file on each case which comes before the Board.
- 2.5 Neither the office of Chair nor the office of Vice-Chair shall be held by the same member for more than three consecutive years.

- 2.6 The Board is comprised of five members appointed by the Goochland County Circuit Court. Additionally, there may be up to two alternate members appointed. Members serve five-year terms and must be County residents.
- 2.7 A Board member must notify the Secretary as soon as possible, no later than 24 hours prior to the meeting, when the member will either be absent from a meeting or plans to abstain from participating in a particular matter. The Chair shall choose an alternate member, if any, who shall be notified as soon as possible by the Chair or Secretary if a member plans to be absent from a meeting or plans to abstain from a vote.
- 2.8 An alternate member may serve and vote in the event of an absence or an abstention of one of the five (5) members.
- 2.9 Alternate member(s) shall be informed of all applications and shall receive all documents and other information given to the members in preparation for a meeting.

### **Article 3. Meetings**

- 3.1 The Board reserves the third Monday of every other month, beginning in January each year, for meetings. If no cases are pending, no meeting shall be held, except the annual meeting in January.
- 3.2 The annual meeting shall be devoted to the election of officers for the ensuing year, a review of the Board's bylaws and rules of procedure, and such other business as may be scheduled by the Board.
- 3.3 A quorum consists of three Board members. The affirmative vote of the majority of members present at a meeting is necessary for the adoption of any resolution or other voting matter, except when three concurring votes are required for actions described in section 3.9(2) below. If fewer than three Board members are able to vote on any matter as a result of disqualification of Board members under the provisions of the State and Local Government Conflict of Interests Act, then the remaining members shall have authority to act for the Board by majority vote, unless a unanimous vote is required. (Va. Code § 2.2-3112(D)).
- 3.4 The order of business at all regular meetings of the Board shall be as follows: (a) determination of quorum; (b) hearing of cases; (c) unfinished business; (d) new business; (e) action on minutes of previous meeting. See articles 4 and 5 for procedures for hearing cases.
- 3.5 The Board may adjourn a regular meeting to a date certain if all applications or appeals cannot be disposed of on the day set, and no further public notice shall be necessary for such a meeting.

- 3.6 Any meeting may be adjourned to a definite date by a majority vote of a quorum of members. Reconvened meetings may be held at any time by the Board.
- 3.7 All meetings of the Board shall be public; provided, however, meetings closed to the public may be held in accordance with the Virginia Freedom of Information Act.
- 3.8 Motions. All motions made by a member require a second in order to be considered by the Board.
- 3.9 Voting.
- (1) At all meetings of the Board, each member is entitled to cast one vote for each item under consideration. Voting shall be by voice, or, when necessary, by a show of hands, and need not be recorded by yeas and nays unless requested by a Board member. Board members shall comply with the Virginia State and Local Government Conflict of Interests Act.
  - (2) Any Board action reversing any order, requirement, decision, or determination of an administrator, granting a variance, or deciding in favor of the applicant or appellant, requires at least three concurring votes of the membership of the Board.
  - (3) A tie vote on any motion means the defeat of the motion, and no action has been taken. When a tie vote occurs, and no other motion is passed on the item, then at the applicant's request, the item shall be carried over to the Board's next regular meeting.

**Article 4. Procedure for Variances**

- 4.1 In order to have an orderly and efficient meeting, the Board has adopted the following procedure for variance hearings:
- (1) Brief description of the case
  - (2) Applicant presentation
  - (3) County's recommendation
  - (4) Hold Public Hearing
    - (a) Hear from proponents
    - (b) Hear from opponents
    - (c) Close the Public Hearing
  - (5) Applicant rebuttal
  - (6) Questions and comments by the Board members
  - (7) Action by the Board

All persons who speak at the hearing shall approach the lectern and furnish their name and address to the Board. A speaker shall only speak once on any item unless the Board asks the speaker to address questions.

No person may address the Board unless they have first been recognized by the Chair. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Board, not to the audience.

Applicant presentations are limited to ten minutes. Public hearing comments by individuals and representatives of groups are limited to three minutes each. The applicant's rebuttal time is limited to three minutes. Staff shall be permitted an opportunity to respond to the presentations. The time used to respond to questions from the Board will be excluded from the presentation time limits. Specified time limits may vary at the discretion of the Chair.

Neighborhood associations and other organizations may select a spokesperson to present their comments. At the sole discretion of the Chair, a neighborhood spokesman may be allowed a set amount of time more than three minutes.

Successive speakers who either support the application or who oppose the application are encouraged to address different issues and not be repetitive.

- 4.2 Requests for variances must be initiated by filing a completed application on the form approved by the community development department and submitting the application fee. Applications may be made by any property owner or tenant. The zoning administrator shall promptly transmit the application and accompanying maps, plans or other information to the Secretary, who shall place the matter on the docket to be acted upon by the Board. The zoning administrator shall also transmit a copy of the application to the planning commission which may send a recommendation to the Board or appear as a party at the hearing.
- 4.3 The Secretary shall provide notice of public hearings for variances to owners of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth, in accordance with Virginia Code § 15.2-2204. "Owners of property" means those parties shown on the tax assessment records for the property.
- 4.4 The Secretary shall notify the parties in interest of the date and time scheduled for the public hearing of the case and give public notice in a newspaper of general circulation, in accordance with Virginia Code § 15.2-2204.
- 4.5 At the time of the public hearing, the applicant may appear or be represented by counsel or agent.
- 4.6 Written notice of the Board's final decision on any variance application shall be issued within fifteen days after the decision. The Secretary shall promptly provide the parties in interest and the zoning administrator with a copy of the Board's written decision.

**Article 5. Procedure for Appeals**

5.1 In order to have an orderly and efficient meeting, the Board has adopted the following procedure for hearing appeals:

- (1) Brief description of the appeal
- (2) Opening Remarks – Appellant
- (3) Opening Remarks – County
- (4) Testimony from appellant
- (5) Testimony from County
- (6) Appellant rebuttal
- (7) County rebuttal
- (8) Closing statements by Appellant, then County
- (9) Questions and comments by the Board members
- (10) Action by the Board

All witnesses testifying at the meeting shall approach the lectern, furnish their name and address to the Board, and take an oath. The oath shall be, “I swear that the testimony that I am about to give is the truth to the best of my knowledge.”

Rebuttal time is limited to three minutes. The time used to respond to questions from the Board will be excluded from the time limits. Specified time limits may vary at the discretion of the Chair.

Closing statements are limited to five minutes for each party. The time used to respond to questions from the Board will be excluded from the time limits. Specified time limits may vary at the discretion of the Chair.

5.2 Appeals to the Board may be taken by any person affected, or by any officer, department, board, or bureau of the County affected or aggrieved by any decision of the administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the County’s zoning ordinance. Such appeal shall be filed with the zoning administrator on the form provided by the Board. The zoning administrator will transmit the appeal to the secretary of the Board along with all papers constituting the record upon which the action appealed from was taken.

5.3 The appellant shall submit the appeal fee and provide the Secretary with all information and data as may be required to advise the Board fully of the issue for appeal, whether such information is called for by the official forms or not. No appeal will be considered by the Board unless it is made on the form required.

- 5.4 An application for appeal filed according to the above procedure shall be given a case number within five days from the filing date. Applications for appeal will be assigned for hearing in the order in which they are received.
- 5.5 The Secretary shall notify the parties in interest of the date and time scheduled for the public hearing of the case and give public notice in a newspaper of general circulation in accordance with Virginia Code § 15.2-2204.
- 5.6 Briefs and other written documents submitted as a part of an appeal shall be submitted to the Board and the other interested party at least seven days prior to the appeal hearing. Documents submitted after the deadline will not be considered by the Board. However, the Board may allow an exception for good cause shown at its discretion.
- 5.7 At the time of the appeal hearing, the applicant may appear or be represented by counsel or agent.
- 5.8 Written notice of the Board's final decision on any appeal shall be issued within fifteen days after the decision. The Secretary shall promptly provide the parties in interest and the zoning administrator with a copy of the Board's written decision.

#### **Article 6. Records**

- 6.1 A file of all material and decisions relating to each case shall be kept by the Secretary as records of the Board.
- 6.2 Each formal action of the Board required by law, ordinance, resolution, rule or regulation may be embodied in a formal resolution duly entered in full in the Minute Book after an affirmative vote as provided in Sections 3.3 and 3.9, as appropriate. Motions may be restated by the Chair before a vote is taken. The names of members making and seconding motions shall be recorded.
- 6.3 All records of the Board, as defined by the Virginia Freedom of Information Act, shall be open to inspection and copying under the terms of the Act.

#### **Article 7. Amendment of Bylaws and Rules of Procedure**

- 7.1 These Bylaws and Rules of Procedure may be amended at any meeting of the Board provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.
- 7.2 These Bylaws and Rules of Procedure may be suspended in whole or in part by a majority vote of the members of the Board present at a meeting.

**Article 8. Procedural Compliance**

- 8.1 Only Board members have standing to raise noncompliance with these Bylaws and Rules of Procedure, and only at the time of the violation. Failure of the Board to comply with these Bylaws and Rules of Procedure shall not invalidate any action taken by the Board. Procedural issues not covered by these Bylaws and Rules of Procedure may be guided by Robert’s Rules of Order for Small Groups, newly revised. The failure, however, of the Board to comply with Robert’s Rules of Order does not invalidate any action taken by the Board.

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Chair, Board of Zoning Appeals

Revised: April 29, 2013  
January 12, 2015  
August 31, 2015  
January 22, 2018  
January 28, 2019  
January 27, 2020  
March 15, 2021



**Goochland County  
Board of Zoning Appeals Meeting  
Monday, January 24, 2022  
Administration Building  
1800 Sandy Hook Road, Goochland VA 23063  
Board Meeting Room**

The Goochland County Board of Zoning Appeals held a meeting on Monday, January 24, 2022 at 1:00 p.m. in the Board Meeting Room. Members present were: Babbitt, Meadows, Waldeck and Cosby. Ms. Kowalski was absent. Others present were: Ray Cash – Assistant Director of Community Development, Kalli Jackson – Deputy County Attorney, Anita Barnes – Zoning Administrator and Ashley Parker - BZA Secretary.

The BZA secretary called the meeting to order and declared a quorum.

**Introduction of new BZA Members**

Members and staff gave brief introductions.

**Election of Officers**

The BZA secretary indicated that the Board would need to elect officer positions. She asked for a motion to elect the Chair. Mr. Cosby motioned to elect Mr. Babbitt as Chair. There were no other nominations from the floor. Mr. Waldeck seconded the motion and the motion passed with a 4-0 vote. The Secretary asked for a motion to elect Vice-Chair. Mr. Waldeck motioned to elect Mr. Cosby as Vice-Chair. There were no other nominations from the floor. Ms. Meadows seconded the motion and the motion passed with a 4-0 vote. Ms. Meadows motioned to elect Ashley Parker as Secretary. There were no other nominations from the floor. Mr. Cosby seconded the motion and the motion passed with a 4-0 vote.

**Review/Approval of Bylaws**

There were no changes to the bylaws which required a motion and a vote.

**Distribution of Training Information**

The secretary handed out information on upcoming training sessions for the Board through Virginia Commonwealth University.

**Approval of Minutes – March 15, 2021**

On a motion by Mr. Cosby seconded by Mr. Waldeck, the minutes of the March 15, 2021 meeting were approved with a 4-0 vote.

There was discussion between the Board and Staff about future development in the County.

**Adjournment**

Being no further business before the Board, the meeting was adjourned at 1:18 p.m.