



FLUVANNA COUNTY BOARD OF ZONING APPEALS
Morris Room, Fluvanna County Administration Building
September 15, 2026
6:00 PM

TAB	AGENDA ITEMS
	REGULAR MEETING
1.	CALL TO ORDER: Harold Morris, Chair
2.	ADOPTION OF AGENDA
3.	APPROVAL OF MINUTES Minutes of August 18, 2026
4.	PUBLIC HEARINGS None
5.	UNFINISHED BUSINESS BZA 26:12 Hensley -Jason Overstreet, Senior Planner
6.	NEW BUSINESS BZA Bylaws Update
7.	ADJOURN

Planning/Zoning Administrator Review

Fluvanna County...The heart of central Virginia and your gateway to the future!

*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. **PURPOSE**
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. **SPEAKERS**
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. **ACTION**
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

Fluvanna County...The heart of central Virginia and your gateway to the future!

*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*

FLUVANNA COUNTY BOARD OF ZONING APPEALS
Fluvanna County Administration Building
Morris Room
August 18, 2026, 6:00 PM

Members Present: Ed Zimmer
Harold Morris
R. Easton Loving
Page Stribling

Staff Present: Jason Overstreet, Senior Planner
Todd Fortune, Director of Planning
Noble Pearson, Assistant County Attorney
Richard Zheng, Planner/GIS Technician

Call to Order:
Harold Morris, Chair, called the Board of Zoning Appeals meeting of August 18, 2026 to order at 6:00 pm.

Pledge of Allegiance, Moment of Silence

Adoption of Agenda:

MOTION:	Motion to Adopt the Agenda for August 18, 2026				
MEMBER:	Morris		Loving	Zimmer	Stribling
ACTION:			Second	Motion	
VOTE:	Aye		Aye	Aye	Aye
RESULT:	4-0 Approved				

Approval of Minutes:

MOTION:	Board of Zoning Appeals Minutes of March 17, 2026.				
MEMBER:	Morris		Loving	Zimmer	Stribling
ACTION:			Motion	Second	
VOTE:	Aye		Aye	Aye	Aye
RESULT:	4-0 Approved				

Public Hearing:

Jason Overstreet, Senior Planner made a presentation:

- Requested Action:**
BZA 26:12 – Hensley: A request for a one hundred eighty (180) foot variance to Section 22-4-3 (C)(1)(B) of the Fluvanna County Code to allow a reduction of the required minimum frontage (residual lot), and a request for a two hundred fifty (250) foot variance to Section 22-4-3 (D) to allow a reduction of the minimum lot width at setback (residual lot), and a request for a twenty (20) foot variance to Section 22-4-3 (E)(3) to allow for a reduction of the required minimum front setback (new lot) for the parcel identified as Tax Map 16, Section 20, Parcel 27. The subject property is zoned A-1, Agricultural, General, and is in the Rural Residential Planning Area and in the Cunningham Election District.
- Summary:**
This lot was created in 1990 as Lot 27 of the Duck’s Lake subdivision and is considered nonconforming when applying the current dimensional requirements listed in Sec. 22-24-3 for the A-1 zoning district. The parcel is located at 105 Ducks Lake Ridge and has frontage on both Ducks Lake Ridge and Ruritan Lake Road (SR 619). The applicant is requesting these variances to allow the lot to be subdivided for a family subdivision. The existing lot is already partitioned by the private road Ducks Lake Ridge.

- **Analysis:**

The applicant is requesting a one hundred eighty-foot (180') variance from the required three-hundred-foot (300') minimum lot frontage prescribed by Sec. 22-4-3 (C)(1)(B) and a two-hundred fifty-foot (250') variance from Sec. 22-4-3(D) to allow a reduction to the minimum lot width at setback. Additionally, the applicant is requesting a twenty-foot (20') variance to section 22-4-3 (E)(3) of the Fluvanna County Code to allow a reduction of the required one-hundred foot (100') front setback for the single-family dwelling on the east side of Ducks Lake Road. If approved, the applicant plans to divide the lot through the family subdivision process along Ducks Lake Road.

22-4-3 (C)(1)(B) Minimum frontage required:
All other public roads: 300 feet

22-4-3 (D) Minimum lot width at minimum required setback shall be equal to the minimum required frontage.

22-4-3 (E) (3) Minimum setback required (as measured from edge of right-of-way):
Private roads: 100 feet

- **After evaluation of the above factors, staff had the following comments:**

- I. The property was acquired in good faith, and any hardship was not created by the applicant. The lot's nonconforming condition appears to have been created when the lot was approved.
- II. The granting of the variance should have no impact on the adjacent and nearby properties.
- III. The conditions affecting this property, while not limited to this parcel, are not of so general nature as to require a new regulation.
- IV. Granting of the requested variance would not result in a change to the zoning classification nor would it result in a use that is not permitted.
- V. A special use permit solution or process is not available for this variance application. No zoning ordinance amendment has been proposed nor is there one in process for this section of the ordinance.

The Chair opened the Hearing for comments:

- I. Susan Morris, 159 Ruritan Lake Road, expressed concerns about how this might affect her property.
- II. Katherine Wright, 163 Ducks Lake Ridge, questioned why this is needed now and what the hardship is. She also questioned whether another division would be allowed in the future and expressed concern about the precedent this might set.
- III. Lisa Searcy, 164 Ducks Lake Ridge, questioned why this is being done now and expressed concern about the possibility of another house being built on the property.
- IV. Will Searcy, 164 Ducks Lake Ridge, questioned why this is needed and expressed concern over how this might affect other properties on Ducks Lake Ridge.

No one else came to speak. The Chair closed the Meeting to comments.

Discussion:

The applicant, Mr. Hensley, responded to concerns and questions stated. He said he is not planning to build more houses on the property, that due to his age he wants to divide the lot so he can convey part of it to his son.

Mr. Overstreet noted that the variance would only be for the property, not the road. He stated that he doesn't believe granting this variance would have an effect on the road.

Members discussed concerns over whether any approval could set a precedent for other similarly shaped lots in the County, and how a division of the lot would affect any new buildings constructed in the future. Members felt like some questions need to be answered before a decision can be made on this request.

MOTION:	I move that the Board of Zoning Appeals defer BZA 26:12 – A request for a one hundred eighty (180) foot variance to Section 22-4-3 (C)(1)(B) of the Fluvanna County Code to allow a reduction of the required minimum frontage (residual lot), and a request for a two hundred fifty (250) foot variance to Section 22-4-3 (D) to allow a reduction of the minimum lot width at setback (residual lot), and a request for a twenty (20) foot variance to Section 22-4-3 (E)(3) to allow for a reduction of the required minimum front setback (new lot) for the parcel identified as Tax Map 16, Section 20, Parcel 27.				
MEMBER:	Morris		Loving	Zimmer	Stribling
ACTION:			Motion	Second	
VOTE:	Aye		Aye	Aye	Aye
RESULT:	4-0 Approved				

New Business:

There was a brief discussion about amendments to the Board’s Bylaws. Specific amendments included the procedure for voting on action items. Mr. Pearson stated that the Board could consider amendments at the next meeting.

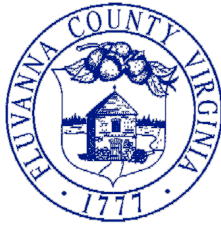
Adjournment:

MOTION:	Adjourn at 7:24 pm by consent.				
MEMBER:	Morris		Loving	Zimmer	Stribling
ACTION:			Second	Motion	
VOTE:	Aye		Aye	Aye	Aye
RESULT:	4-0 Approved				

- Meeting Minutes recorded by Todd Fortune, Director of Planning

Todd Fortune
Director of Planning

Chairman Harold Morris
Fluvanna County Board of Zoning Appeals



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

BOARD OF ZONING APPEALS STAFF REPORT

To: Fluvanna County Board of Zoning Appeals **From:** Jason Overstreet, Senior Planner
Case Number: BZA 26:12 **Voting District:** Cunningham
Planning District: Rural Residential Planning Area

General Information:

A public hearing was held on Tuesday, August 18, 2026 at 6:00 pm by the Fluvanna County Board of Zoning Appeals (BZA) in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963. The BZA deferred final action until September 15, 2026.

Requested Action:

BZA 26:12 – Hensley: A request for a one hundred eighty (180) foot variance to Section 22-4-3 (C)(1)(B) of the Fluvanna County Code to allow a reduction of the required minimum frontage (residual lot), and a request for a two hundred fifty (250) foot variance to Section 22-4-3 (D) to allow a reduction of the minimum lot width at setback (residual lot), and a request for a twenty (20) foot variance to Section 22-4-3 (E)(3) to allow for a reduction of the required minimum front setback (new lot) for the parcel identified as Tax Map 16, Section 20, Parcel 27. The subject property is zoned A-1, Agricultural, General, and is in the Rural Residential Planning Area and in the Cunningham Election District.

Summary:

This lot was created in 1990 as Lot 27 of the Duck's Lake subdivision and is considered nonconforming when applying the current dimensional requirements listed in Sec. 22-24-3 for the A-1 zoning district. The parcel is located at 105 Ducks Lake Ridge and has frontage on both Ducks Lake Ridge and Ruritan Lake Road (SR 619). The applicant is requesting these variances to allow the lot to be subdivided for a family subdivision. The existing lot is already partitioned by the private road Ducks Lake Ridge.

Analysis:

The applicant is requesting a one hundred eighty-foot (180') variance from the required three-hundred-foot (300') minimum lot frontage prescribed by Sec. 22-4-3 (C)(1)(B) and a two-hundred fifty-foot (250') variance from Sec. 22-4-3(D) to allow a reduction to the minimum lot width at setback. Additionally, the applicant is requesting a twenty-foot (20') variance to section 22-4-3 (E)(3) of the Fluvanna County Code to allow a reduction of the required one-hundred-foot (100') front setback for the single-family dwelling on the east side of Ducks Lake Road. If approved, the applicant plans to divide the lot through the family subdivision process along Ducks Lake Road.

22-4-3 (C)(1)(B) Minimum frontage required:
All other public roads: 300 feet

22-4-3 (D) Minimum lot width at minimum required setback shall be equal to the minimum required frontage.

22-4-3 (E) (3) Minimum setback required (as measured from edge of right-of-way):
Private roads: 100 feet

As stated in Section 22-18-2(B) of the Fluvanna County Code, the Board of Zoning Appeals must consider certain statutory considerations when reviewing a variance request.

The Board may grant a variance 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, 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 or the process for modification of a zoning ordinance at the time of the filing of the variance application.

The Board must make each of the above findings in order to grant a variance as required by the Code of Virginia. Approval of a variance that does not meet each finding would be unlawful. The Board may impose, as part of an approval, 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.

Upon evaluation of the above factors, staff has the following comments:

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:

Any hardship due to a physical condition of the property was not created by the applicant. The lot's nonconforming condition appears to have been created through changes to the zoning ordinance.

The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area:

The granting of the variance should have no impact on the adjacent and nearby properties. The lot to be created through the family subdivision process currently has a single-family dwelling on it and, it uses Ducks Lake Road for access. The two-acre size of the lot would prevent any additional dwellings to be added.

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:

The conditions affecting this property, while not limited to this parcel, are not of so general nature as to require a new regulation. Frontage variance requests vary widely.

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:

Granting of the requested variance would not result in a change to the zoning classification nor would it result in a use that is not permitted. The lot has a residential use containing a single-family dwelling.

The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application:

A special use permit solution or process is not available for this variance application. No zoning ordinance amendment has been proposed nor is there one in process for this section of the ordinance.

Planning Commission Action:

Per Section 22-18-4(A) of the Fluvanna County Code, applications for variances are to be transmitted to the Planning Commission. The Commission has three options:

1. Take no action
2. Make a recommendation to the BZA
3. Attend as a party to the public hearing

The variance request was presented to the Planning Commission who took no action at its August 11th meeting.

Conditions:

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. Staff recommend the following condition:

Only one family subdivision of TMP 16-20-27 will be permitted to allow the property to be subdivided along Ducks Lake Road, subject to the approval of the Zoning Administrator. No further subdivisions of TMP 16-20-27 will be permitted on Ducks Lake Road thereafter.

Suggested Motion:

I move that the Board of Zoning Appeals (**approve / deny / defer**) BZA 26:12 – A request for a one hundred eighty (180) foot variance to Section 22-4-3 (C)(1)(B) of the Fluvanna County Code to allow a reduction of the required minimum frontage (residual lot), and a request for a two hundred fifty (250) foot variance to Section 22-4-3 (D) to allow a reduction of the minimum lot width at setback (residual lot), and a request for a twenty (20) foot variance to Section 22-4-3 (E)(3) to allow for a reduction of the required minimum front setback (new lot) for the parcel identified as Tax Map 16, Section 20, Parcel 27. Approval is subject to the stated condition.



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Variance Application (BZA)

Owner of Record: ROY A HENSLEY

E911 Address: 106 DUCKS LAKE RDg

Phone: [REDACTED]

Email: [REDACTED]

Representative: SAME

E911 Address: _____

Phone: _____ Fax: _____

Email: _____

Tax Map and Parcel(s): 16-20-27

Acreage: 11.099 Zoning: A1

E911 Address of Parcel: SAME

Description of Property: 11 ACRES MOSTLY WOODED WITH 2 HOUSES SEPERATED BY PRIVATE ROAD

Request for a variance from Section _____ of the Fluvanna County Code in respect to the requirement for
SEC 22-4-3 (C)(1)(B) in order to build SEC 22-4-3 (E)(3) SEC 22-4-3 (D)
22-4-3 (C)(2)

Fill in only the line(s) that apply to your request(s)	Applicant has	Code requires or permits	Variance requested
Total Area	120 FT		
Lot Width <u>AT SETBACK</u>	167.27 FT	200 FT 300 FT	184 FT 180 FT
Front yard setback	83 FT	100 FT	20 FT
Minimum side yard setback			
Total side yard setback			
Rear yard setback			
Public road frontage	165.27 FT	200 FT	45 FT
Other (write in) <u>PRF</u>	117.5 FT 120 FT	300 FT	184 FT 180 FT

Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned authorizes entry onto the property by County employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

All plats must be folded prior to submission to the Planning Department. Rolled plans will not be accepted.

ROY A HENSLEY 7-20-26
Owner/Applicant Name (Please Print) Date

Roy A Hensley
Owner/Applicant Signature

OFFICE USE ONLY

Date Received: 7/20/26 PH Sign Deposit Received: [REDACTED] Application #: BZA 26 0012

\$550 Fee Paid \$550.00

Election District: Cunningham

Approved _____ Denied _____ Date: _____

Planning Area: Rural Residential

Zoning Administrator: _____

IMPROVEMENTS PROPOSED

Describe the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used, or additions made to existing buildings or structures.

CREATE FAMILY SUBDIVISION FOR MY SON.
THE LOT IS ALREADY DIVIDED BY PRIVATE RD DUCK LAKE RD.
THE LOT TO BE CREATED IS ALREADY SEPERATED BY PRIVATE RD

SPECIAL CONDITIONS

Relate here the special conditions or circumstances (topography, soil type, shape of property) peculiar to the above described land, building, or structure or to the intended use or development of the land, building or structure involved that do not apply generally to other property in the same district.

THE LOT WAS NONE CONFORMING WHEN I BOUGHT IT.

UNNECESSARY HARDSHIP

Describe here how the literal interpretation and enforcement of Section _____ of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the properties involved by the applicant.

DUE TO CURRENT SHAPE OF LOT AND ITS CONSISTING NON CONFORMITIES
THE LOT CAN'T BE DIVIDED WITHOUT VARIANCE'S

ADJACENT PROPERTY

Describe the effects of this variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected.

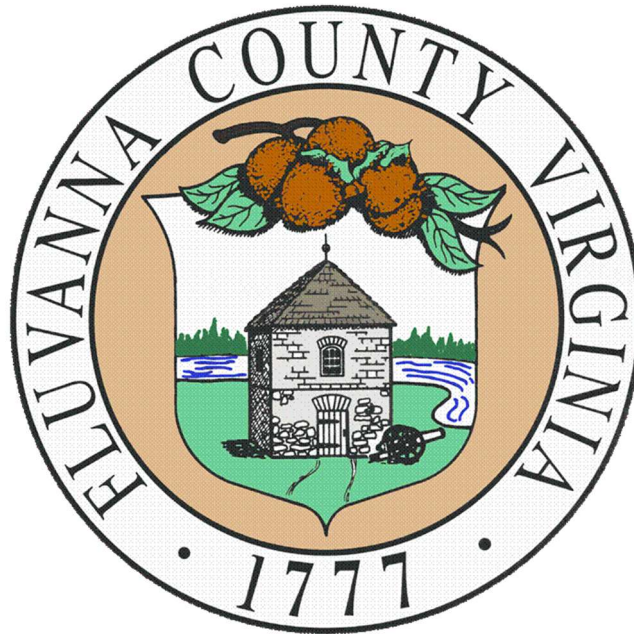
NO EFFECT

PLAN

Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings and structures on the site, roadways, walks, off-street parking and loading space, landscaping and the like. (Architect's sketches showing elevations of proposed buildings and structures and complete plans are desirable and may be required with the application if available.)

SEE PLAT

FLUVANNA COUNTY BOARD OF ZONING APPEALS



2026 BYLAWS AND RULES OF PRACTICE & PROCEDURES

Adopted
September 15, 2026

TABLE OF CONTENTS

SECTION	TOPIC	PAGE
I	Creation	3
II	Membership	3
III	Powers and Responsibilities	3
IV	Principal Address	3
V	Rules	3
VI	Construction	4
VII	Definitions	4
VIII	Board Member Procedure	5
IX	Selection of Officers	6
X	Board Chair	6
XI	Board Vice Chair	6
XII	Board Secretary	6
XIII	Zoning Administrator	7
XIV	County Attorney	7
XV	Parliamentary Procedure	7
XVI	Quorum for the Exercise of Board Business	7
XVII	Public Hearings	7
XVIII	Meetings	7
XIX	Agenda Submission and Preparation	9
XX	Order of Business	9
XXI	Conduct of Business	10
XXII	Order and Decorum	12
XXIII	Motions	12
XXIV	Voting	13
XXV	Recording of Meetings	14
XXVI	Policy for Remote Participation of Members of the Fluvanna County BZA at Meetings of the Board	14

Fluvanna County Board of Zoning Appeals

BYLAWS AND RULES OF PRACTICE AND PROCEDURES

I. CREATION. The Fluvanna County Board of Zoning Appeals, hereinafter called the “Board,” is established pursuant to an ordinance adopted by the Fluvanna County Board of Supervisors. These Bylaws are hereby amended and readopted pursuant to Title 15.2, Subtitle II, Ch. 22, Art. 7 of the Code of Virginia (1950), as amended.

II. MEMBERSHIP

A. The Board shall consist of five (5) members appointed by the Circuit Court of Fluvanna County. Members of the Board shall be residents of Fluvanna County. The term of office shall be for five (5) years; however, appointments for vacancies occurring other than by expiration of term shall in all cases be for the remainder of the unexpired term. Members may be reappointed to succeed themselves.

B. Members shall be removable for cause by the appointing court after a hearing is held after at least fifteen (15) days' notice.

C. Members of the Board of Zoning Appeals shall hold no other public office in the County, except that one (1) of the five (5) appointed members may be an active member of the Planning Commission, any member may be appointed to serve as an officer of election as defined in Virginia Code § 24.2-101, and any member may serve as an elected official of the Town of Scottsville.

III. POWERS AND RESPONSIBILITIES. The Board shall have all powers and responsibilities granted to it under state law and Fluvanna County Code Section 22, Article 18.

IV. PRINCIPAL ADDRESS. 132 Main Street, Palmyra, Virginia 22963; Mailing Address: P.O. Box 540, Palmyra, Virginia 22963.

V. RULES

A. These Bylaws and Rules of Practice and Procedures (“Rules”) are adopted and shall apply to the Board. These Rules are intended to expedite transaction of the business of the Board in an orderly fashion. The Rules are deemed to be procedural only. The failure strictly to observe application of the Rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. All meetings and business shall be conducted in accordance with these Rules, Robert’s Rules of Order Newly Revised (12th Edition), and the law of Virginia. In the event of conflict, the law of Virginia shall govern. A decision of the Chair with respect to the interpretation, applicability, or enforcement of these Rules may be overruled by a majority vote of the members present and voting.

C. Except as otherwise provided by law, any rule of the Board may be suspended temporarily upon approval of the majority of the Board members present and voting. The temporary suspension

of the rule shall apply only to the matter under immediate consideration and, in no case shall it extend beyond an adjournment.

D. These Rules may be amended by a majority vote of the Board. No rule of the Board shall be adopted or amended except by majority vote of the Board.

VI. CONSTRUCTION. As used in these Rules, the masculine shall include the feminine and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not discretionary; the word "may" is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".

VII. DEFINITIONS. As used in these Rules, the following terms are defined:

A. Action of Record. An action taken or decision made by the Board recorded in the Minutes of the Meetings. Except as otherwise required by law, an Action of Record may take the following forms:

1. Motions and seconds with the recorded votes of the members.
2. Consensus agreement of the Board without vote by the Board.
3. Directive of the Chair in the exercise of that office during the conduct of an official meeting of the Board.

B. Board. The Fluvanna County Board of Zoning Appeals.

C. County Code. The Code of Fluvanna County.

D. Directive. An exercise of discretionary authority granted to the Chair from the Board, in conformity with Section XXII, empowering the Chair as follows:

1. To enforce the protocols of these Rules for the conduct of business and discourse before the Board to ensure proper decorum, civility, fairness, and order.
2. To cause the removal of any person or persons for misconduct, disruption, or disturbance of a meeting of the Board consistent with adopted policies and procedures of the Board.

E. Item of Business. A matter to be presented before the Board at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

F. Meeting or Official Meeting. Any meeting of the Board.

G. Primary Motion. The first motion presented following informal discussion of any Item of Business at a Board meeting.

H. Substitute Motion. A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Board meeting.

I. Virginia Code. The 1950 Code of Virginia, as amended.

VIII. BOARD MEMBER PROCEDURE

A. Notification of Absence. If any Board member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Zoning Administrator as soon as possible to ensure there are sufficient members present and voting to consider all Agenda items. The Board shall continue an Agenda item if there will not be a sufficient number of Board members present and voting at the meeting to approve the item.

B. Conflicts of Interest. At such times a Board member may find himself with a conflict of interest as set forth in the Virginia Code § 2.2-3100 et seq., the Board member shall state the nature of the conflict of interest prior to an issue being heard and shall remove himself from the meeting. The member shall not vote or in any manner act on behalf of the Board with respect to the issue for which a conflict has been declared, until such time as the issue has been decided. The member shall not attend any portion of a Closed Meeting authorized by the Virginia Freedom of Information Act when the issue is discussed and will not discuss the issue with other governmental officers or employees in their official capacity at any time. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has a legal interest.

C. Ex Parte Communications. Pursuant to state law and County Code Sec. 22-18-1.1:

1. Non-legal County staff may have ex parte communications with a member of the Board of Zoning Appeals prior to the hearing but may not discuss the facts or law relative to a particular case.

2. The applicant, landowner, or his agent or attorney may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to a particular case.

3. If any ex parte discussion of facts or law does occur, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication and the identity of the individuals involved in the communication.

4. For the purposes of this section, regardless of whether all parties participate, ex parte communication shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which County staff, the applicant, landowner, or his agent or attorney are all invited.

IX. SELECTION OF OFFICERS

A. The officers of the Board shall consist of a Chairman (“Chair”), Vice Chairman (“Vice Chair”), and a Board Secretary who shall be elected by the board in accordance with Virginia Code § 15.2-2308(C). The Board Secretary may or may not be a member of the Board.

B. Each officer shall be elected for a term of one (1) year and may be reelected; except that the Board Secretary, if not a member of the Board, may be appointed for an indefinite term and continue office during the pleasure of the Board without need for reelection.

C. Nominations shall be made by members from the floor at the first regular meeting of each calendar year. A candidate receiving a majority vote of the entire membership of the Board shall be declared elected, take office immediately, and serve for one (1) year or until his successor shall take office.

D. Vacancies in office shall be filled immediately by regular election procedures.

X. BOARD CHAIR

A. The Chair, when present, shall preside at all meetings of the Board, and shall take the Chair at the hour appointed for every Board meeting. The Chair shall call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these Rules. The Chair shall preserve order and decorum and shall decide all questions of order.

B. The Chair shall sign all actions passed by the Board certifying that such actions were duly adopted. After the Chair’s signature is affixed to any action, the action shall be considered immediately entered as a public record.

C. Upon the death, resignation, or other permanent disability of the Chair to fulfill the duties of his office, the Board shall elect a new Chair at its next regularly scheduled meeting or as soon thereafter as possible.

XI. BOARD VICE CHAIR. In the absence or inability to act of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

XII. BOARD SECRETARY

A. The Board Secretary shall:

1. Keep a written record of all business transacted by the Board;
2. Notify all members and other parties as the Chair may direct on all meetings;
3. Keep a file of all official records and reports of the Board;

4. Certify all maps, records, and reports of the Board;
5. Serve notice of all hearings and public meetings;
6. Attend to correspondence of the Board;

7. Keep a set of Minutes with a record of all proceedings of the Board showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, a copy of which shall be signed and certified by the Board Secretary following the adoption of the Minutes with any corrections; and

8. Prepare and be responsible for the publishing of notices and advertisements relating to Public Hearings of the Board.

B. In the event that the Board Secretary is unable to attend a Board meeting, a Board member or County staff may fill the role for the duration of the meeting.

XIII. ZONING ADMINISTRATOR. The Zoning Administrator or his designee shall attend each meeting of the Board and shall provide such information to the Board as necessary to assist Board members in their deliberations and decision-making.

XIV. COUNTY ATTORNEY. The County Attorney shall perform the duties set forth in Virginia Code § 15.2-1542. The County Attorney or his designated representative shall attend each meeting of the Board and shall serve as adviser to the Board and County staff on issues of law relating to the Board's business.

XV. PARLIAMENTARY PROCEDURE. The County Attorney or his designated representative shall serve as the Parliamentarian for the purpose of interpreting these Rules and Robert's Rules of Order, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney or designated representative is unavailable, the Zoning Administrator or his designated representative shall serve as the Parliamentarian.

XVI. QUORUM FOR THE EXERCISE OF BOARD BUSINESS. A majority of the Board, three (3) members or more, shall constitute a quorum in order to conduct Board business. A vote of the majority of those present is necessary to take action on an issue.

XVII. PUBLIC HEARINGS. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within ninety (90) days. In exercising its powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination of an administrative officer or decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

XVIII. MEETINGS

A. Regular Meeting Schedule

1. Regular meetings of the Board shall be held on the third Tuesday of the month at 6:00 p.m. in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced. In the event that a meeting date falls on a legal holiday, the meeting shall be held on the following Tuesday, unless otherwise designated by the Chair.

2. All meetings, other than any Closed Meeting or closed session, shall be open to the public.

3. Meetings will adjourn/recess no later than 11:00 p.m.

4. The Board, at its pleasure, may continue its meeting beyond the normal adjournment/recess time, by majority vote of the Board members present and voting.

5. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside.

6. If neither the Chair nor the Vice Chair is present, the Zoning Administrator or his designee shall call the meeting to order and preside for the election of a temporary Chair.

B. Closed Meetings

1. Closed Meetings will be held as needed and may only be convened in conformance with Virginia Code § 2.2-3711.

2. No resolution, ordinance, rule, contract, regulation, or motion agreed to in a Closed Meeting shall become effective until the Board reconvenes in an Open Session and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

3. At the conclusion of a Closed Meeting, the Board shall reconvene in Open Session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

a. Only public business matters lawfully exempted from Open Session requirements were discussed; and

b. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed, or considered.

4. Any member who believes that there was a departure from the above requirements shall state that belief prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

5. The failure of the certification to receive the affirmative vote of a majority of the members present and voting during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

6. The Board may permit non-members to attend a Closed Meeting if their presence will reasonably aid the Board in its consideration of an issue. Except as otherwise directed by the Board, the County Attorney or his designated representative and the Zoning Administrator or his representative shall attend all Closed Meetings.

C. Special Meetings. The Board may hold Special Meetings as it deems necessary, at such times and places as it finds convenient, and may adjourn such Special Meetings as it finds convenient and necessary.

XIX. AGENDA SUBMISSION AND PREPARATION.

A. All Agenda items, including presentations by applicants, are due to the Planning Department for the Board by 5:00 p.m. on the Tuesday the week before the Board meeting. County staff presentations are due by 5:00 p.m. on the Monday of the week of the Board meeting.

B. County staff shall prepare the Agenda for Board meetings.

C. Issues for which actions will be required shall normally have all materials in the Agenda package for advance study.

D. The Agenda and related materials shall be received by each member of the Board and the County Attorney not later than the Thursday before the scheduled regular meeting. County staff may request that the Chair approve an adjustment to the delivery schedule in the event of special circumstances that require a delay of the Agenda.

E. County staff shall make copies of the Agenda available to the public and the press, including on the County website. County staff shall also have at least one (1) hard copy of the Agenda available at each regular Board meeting.

XX. ORDER OF BUSINESS. The Order of Business shall be as follows unless County staff in drawing up the Agenda shall find good cause to change it:

1 – Call to Order
2 – Pledge of Allegiance and Moment of Silence
3 – Adoption of Meeting Agenda
4 – Approval of Minutes
5 – Public Hearing(s)
6 – Unfinished Business
7 – New Business
8 – Closed Meeting (as needed)

XXI. CONDUCT OF BUSINESS

A. Basic Principles: The following principles should be observed at all times in the transaction of public business before the Board.

1. Only one subject may claim the attention of the Board at one time.
2. Each item presented for consideration is entitled to full and free discussion.
3. Every member has rights equal to every other member except as to procedural matters within the competence of the Chair.
4. The will of the majority must be carried out, and the rights of the minority must be preserved.
5. The personality and desires of each member should be merged into the larger unit of the Board.

B. The Board shall adopt an Agenda for each meeting by recorded vote of a majority of the Board members present and voting. The adoption of the Agenda shall be the first item for action following the Call to Order, Pledge of Allegiance, and Moment of Silence.

C. Items shall be heard in order of the Agenda, except as the Board decides when adopting the Agenda and that the Board may vote to call up any matter at any time.

D. The Board shall take no Action of Record on any matter that is not on the Meeting Agenda.

E. Items not on the Agenda shall be heard as the final items of the Board's business, time permitting, or shall be carried over to the next regular meeting or a special meeting as determined by majority consent of the Board.

F. Exhibits before the Board shall become the property of the Board and shall be filed with the Planning Department. Such exhibits shall be deemed a part of the record of the meeting for which they are submitted.

G. For any Public Hearing, the Chair, or the acting Chair, may administer oaths and compel the attendance of witnesses. The Board Secretary shall notify any party which has been compelled to attend by the Chair and shall inform the Zoning Administrator of the Board's decision to compel attendance.

H. Prior to initiating a Public Hearing, the Chair shall recount, either verbatim or by reference, the rules under which the Public Hearing shall be operated, but the Board may amend the rules during the hearing by giving notice of the change to those gathered (e.g., a change to the time limitation for individual speakers).

I. At the beginning of the Public Hearing, the Chair shall call upon County Planning staff to present a description of the issue placed before the Board. Then the applicant shall be permitted to speak on behalf of his application and may make a presentation. Next the Public Hearing shall be opened. At the conclusion of the Public Hearing, the applicant shall be provided with the opportunity to answer questions or provide additional information for the Board in response to comments made during the public hearing.

J. When any matter before the Board has been deferred after a Public Hearing, the County Planning staff shall be called upon at the meeting to which the matter was deferred by the Chair to reintroduce the issue placed before the Board. Then the Chair will ask the Board whether it wants to hear updates from the applicant regarding the deferred item. If approved by a majority of the Board, the applicant shall be permitted to speak on behalf of his application and may make a presentation. The applicant shall then be provided with the opportunity to answer questions or provide additional information for the Board.

K. Subject to revocation or extension by the majority of the Board assembled, the Chair may in all matters establish a maximum time for consideration of any matter, and/or limit the amount of time available to each speaker, including Board members, on a matter and/or limit the number of times each speaker may address the Board on a matter. Regardless, every Board member is entitled to speak on every matter before the Board and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so at least once.

L. Unless modified by majority consent of the Board, statements from the public during the Public Hearing on individual agenda items shall be limited to five (5) minutes.

M. Once a notice for Public Hearing has been advertised, the Public Hearing will be conducted, unless the Board formally defers the matter to a future meeting. The postponement or cancellation of a public hearing shall be as follows:

1. Any Public Hearing scheduled for a Board meeting that has been publicly advertised shall not be postponed based on a request from a non-County government entity or person absent extreme mitigating circumstances. The Chair, with concurrence of the Zoning Administrator, will determine when such circumstances exist. If mitigating circumstances exist, the petitioner will bear any cost incurred by the County in providing public notification of the change and for the cost of advertising the new date of the hearing.

2. The Chair, with the concurrence of the Zoning Administrator, shall have the authority to postpone a Public Hearing based on the weather or other extraordinary circumstances.

3. In all cases, County staff will ensure all Board members are provided timely notification of schedule changes. Further, County staff will ensure the public and general news media are notified of changes to schedules which have been announced in public. The Public Hearing shall be rescheduled, if appropriate, and advertised as required by law.

XXII. ORDER AND DECORUM

A. It shall be the duty of the Chair to maintain order and decorum at meetings.

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged, and no debate shall be allowed until after the Chair declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by majority vote of the Board members present and voting.

C. All comments by members of the public during any Public Hearing must be germane to the purpose of that Public Hearing. When providing comments, members of the public are not permitted to campaign for public office and shall not promote private businesses or address pending litigation.

D. All comments and presentations by applicants must be germane to the purpose of the specific item that is pending before the Board.

E. No Board member or citizen shall be allowed to use of any profane, vulgar, obscene, abusive, defamatory, disruptive, or threatening speech, and doing so may result in removal from the meeting. No Board member or citizen shall use language of a personal nature which insults or demeans any person or which, when directed at a public official or County staff, is not related to his or her official duties.

F. All speakers shall be respectful of other opinions and viewpoints expressed at the meeting, and the audience shall not make audible expressions of support (i.e. applause) or of opposition (i.e. booing) during meetings.

G. Speakers should strive to avoid repetitive comments. Simple statements of endorsement of previous speakers are appropriate.

H. Speakers should address all comments to the Board and not the audience.

I. The Chair shall be the judge of all breaches of order and decorum; however, the Board may by majority vote of the Board members present and voting opt to overrule the judgement of the Chair.

J. When any person engages in such breaches, the Chair may order that person to stand silent, to be removed from the building, or to be removed from County property.

XXIII. MOTIONS

A. Motions made by Board members shall require a second. However, the following actions do not require a second: raising a question of privilege, questions of order, objections to the consideration of a question, calling up a Motion to Reconsider, nominations, leave to withdraw a motion, or inquiries of any kind.

B. Specific motions shall not be formally discussed prior to being duly seconded.

C. After a motion is properly made and seconded, the Chair shall restate the motion and open the floor to discussion.

D. The Chair shall routinely refrain from making or seconding motions in order to fairly and impartially preside over the Board deliberations and discussion. In any case, the Chair shall not make or second a motion without first temporarily surrendering the Chair to the Vice Chair, if present and willing to temporarily accept the gavel, or to another member present and willing to temporarily accept the gavel. In such event, the Chair should not resume the Chair until the motion is decided.

E. The maker of a motion may not speak against that motion.

F. The Chair shall call for and cause the vote to be recorded after a motion is properly made before the Board, has been seconded, and has been duly discussed.

G. A substitute motion may be made by any member to any motion properly on the floor. Once seconded, the substitute motion shall take precedence and all debate or action on the existing motion shall cease until the substitute motion is decided. Debate on a substitute motion is permissible. If the substitute motion is passed by a majority vote of the members then present and voting, the original motion is supplanted by the substitute motion. A second substitute motion can be made only after the first substitute motion is decided by vote of the Board.

H. When a motion is made and then cannot obtain a second, the motion will die for lack of a second and does not require a vote. However, in the event that a motion which is not seconded is nevertheless voted on by the Board and passes by a majority of the members present and voting, the failure to obtain a second shall not invalidate the adoption of such motion.

I. Defeated Motions

1. Same Meeting: A defeated motion can be brought back for consideration at the same meeting if the members present agree to do so by a majority vote. Only a member who voted on the prevailing side may make the motion to reconsider the issue. The rule restricting renewal of a motion in the same session does not apply to a motion that died for lack of a second.

2. Subsequent Meeting: Except as otherwise provided by law, a defeated motion that is still applicable can be reintroduced at a subsequent meeting as New Business.

XXIV. VOTING

A. All Actions of Record must be approved by vote.

B. When a question is called and there is no dispute, the Chair shall call for the vote.

C. Whenever any member wishes to abstain from voting on any question, he shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., and his abstention shall be announced by the Chair and recorded by Board Secretary.

D. The Chair's vote on all issues before the Board shall be recorded with the prevailing side, unless the Chair clearly votes otherwise.

E. The Board Secretary shall record the name of each member voting and how such member voted.

F. A tie vote fails. The Board does not designate a tiebreaker.

G. Except as otherwise provided by law, motions shall be carried by a majority of the members present and voting in the affirmative.

XXV. RECORDING OF MEETINGS. County staff shall electronically record each regular meeting. These recordings are the property of Fluvanna County and are public records as provided by the Virginia Freedom of Information Act. Interested persons may view the recording on the County YouTube Channel or may obtain copies of the recording by making appropriate arrangements with the Director of Planning's office. Any costs will be borne by the person making the request.

XXVI. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY BOARD OF ZONING APPEALS AT MEETINGS OF THE BOARD

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Board of Zoning Appeals of Fluvanna County, Virginia, by electronic communication means in public meetings of the Board of Zoning Appeals of Fluvanna County, Virginia, and any closed session of the Board held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. Definitions

1. "Caregiver" means a caregiver as defined by Va. Code § 2.2-3701.

2. “Member” means any member of the Board of Zoning Appeals.
3. “Remote participation” means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is physically assembled, as defined by Va. Code § 2.2-3701. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver as defined in Va. Code § 2.2-3701 and uses remote participation counts toward the quorum as if the individual was physically present.
4. “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
5. “Notify” or “notifies,” for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.
6. “VFOIA” means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. Mandatory Requirements

1. Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:
 - (a) A quorum of the Board must be physically assembled at the primary or central meeting location; and
 - (b) Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.
2. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.

D. Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to
 - (i) a temporary or permanent disability or other medical condition that prevents the

- member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance, (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two (2) meetings or twenty-five percent (25%) of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.
 3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.
 4. The Chair (or the Vice Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy and, therefore, approved or disapproved.

E. Process to Confirm Approval or Disapproval of Participation from a Remote Location

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. Recording in Minutes

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or the member is a caregiver who must provide care for a person with a disability, or because the member's principal residence is located more than 60 miles from the meeting location the Board shall record in its Minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Board's approval of the member's remote participation;

- and (3) a general description of the remote location from which the member participated.
2. If the member is allowed to participate remotely due to a personal matter, the Board shall record in its Minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Board's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.
 3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the Minutes with specificity.

G. Closed Session

If the Board goes into closed session, the member may continue to participate remotely in the closed session and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. Strict and Uniform Application of this Policy

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one (1) year, or other such time required by records retention laws, regulations, and policies.

I. Meetings Held Through Electronic Communication Means During Declared States of Emergency

1. In addition to the foregoing, pursuant to the Code of Virginia § 2.2-3708.2(A)(2), the Board of Zoning Appeals may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia § 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia § 44-146.21, 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 provide for the continuity of operations of the Board or the discharge of its lawful purposes, duties, and responsibilities. The Board of Zoning Appeals when convening a meeting in accordance with this subdivision (I) 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 Board of Zoning Appeals conducting the meeting;

(b) Make arrangements for public access to such meeting through electronic communication means;

(c) Provide the public with the opportunity to comment at those meetings of the Board when public comment is customarily received;

(d) Otherwise comply with the provisions of the Code of VFOIA; and

(e) State in its minutes 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.

J. Nothing in this Section XXVI shall be construed to prohibit the use of interactive audio or video means to expand public participation.

BY - LAWS
FLUVANNA COUNTY BOARD OF ZONING APPEALS

Amended September 16, 2025

I. OBJECTIVES; READOPTION AND AMENDMENT

This Board of Zoning Appeals, established pursuant to an ordinance adopted by the Fluvanna County Board of Supervisors and effective on the 1st day January 1974, adopted the following provisions in order to facilitate its powers and duties in accordance with (Chapter 11, Title 15, Article 8, Section 15.1-495 Code of Virginia, 1950 as amended). These Bylaws are hereby amended and readopted pursuant to Title 15.2, Subtitle II, Ch. 22, Art. 7 of the Code of Virginia (1950), as amended, and are effective on and after February 6, 2023.

II. TITLE

The official title of this board shall be the Fluvanna County Board of Zoning Appeals.

III. RULES FOR MEMBERS

Members having any interest or personal concern over a case shall so state and shall disqualify themselves from acting on that case; and shall, in all cases, comply with the Code of Virginia regarding conflicts of interests (Title 2.2, Subtitle I, Part E, Ch. 31).

IV. SELECTION OF OFFICERS

The officers of the Board of Zoning Appeals shall consist of a chairman, vice chairman, and a secretary who shall be elected by the board in accordance with Virginia Code Sec. 15.2-2308-C. The secretary may or may not be a member of the board.

Each officer shall be elected for a term of one year and may be reelected; except that the secretary, if not a member of the board, may be appointed for an indefinite term and continue office during the pleasure of the board.

Nominations shall be made by members from the floor at the first regular meeting of each calendar year. A candidate receiving a majority vote of the entire membership of the board shall be declared elected and take office immediately and serve for one year or until his successor shall take office. Vacancies in office shall be filled immediately by regular election procedures.

V. DUTIES OF OFFICERS

The chairman shall be a citizen member of the Board of Zoning Appeals and shall preside at all meetings for the board; sign all actions passed by the board certifying that the same were duly adopted. After his signature is affixed to any action, the same shall be considered immediately entered as a public record.

The vice chairman shall be a citizen member of the board and shall act in the absence or inability of the chairman to act; and shall have the powers to function in the same capacity of the chairman in cases of the chairman's inability to act.

The secretary shall keep a written record of all business transacted by the board;
Notify all members and other parties as the chairman may direct on all meetings;
Keep a file of all official records and reports of the board;
Certify all maps, records and reports of the board;
Serve notice of all hearings and public meetings;
Attend to correspondence of the board as hereinafter prescribed;
Keep a set of minutes as hereinafter prescribed, together with a verbatim record of all proceedings of the board; and
Prepare and be responsible for the publishing of notices and advertisements relating to public hearings in section VI of these By- Laws.

VI. MEETINGS

Regular meetings of the Board of Zoning Appeals shall be held the third Tuesday of the month beginning at 6:00 P.M except as provided by a majority vote of the board.

When a meeting date falls on a legal holiday, the meeting shall be held on the following day unless otherwise designated by the chairman.

Special meetings may be called at the request of a quorum of the membership or by the chairman when appropriate work load require same to be held. Written notice of meetings shall be given to each member at least five days prior to such meetings and shall state the purpose and time of the meeting. Such notice may be delivered by regular mail or by electronic transmission, to the extent authorized by the addressee.

All regular hearings, records, and accounts shall be open to the public as provided by law. Closed meetings may be held in accordance with the Virginia Freedom of Information Act (Title 2.2, Subtitle II, Part B, Ch. 37).

A majority of the membership of the board shall constitute a quorum. The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof pursuant to Virginia Code Sec. 15.2-2311, shall, in addition, cause such notice to be advertised in accordance with the provisions of Virginia Code Sec. 2204, and shall decide the same within ninety (90) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of a majority of all members shall be necessary to reverse any order, requirement, and decision, or determination of an administrative officer or to decide in favor of the applicant or any matter upon which it is required to pass under the ordinance or to effect any variance from the zoning ordinance. Voting shall be by roll call, and a record of the vote shall be kept as a part of the minutes.

Except as otherwise expressly provided by these Bylaws or by law, procedures for meetings of the board shall be governed by Robert's Rules of Order, 12th Edition.

VII. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY BOARD OF ZONING APPEALS AT MEETINGS OF THE BOARD

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Board of Zoning Appeals of Fluvanna County, Virginia, by electronic communication means in public meetings of the Board of Zoning Appeals of Fluvanna County, Virginia, and any closed session of the Board held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. Definitions

1. **“Caregiver” means a caregiver as defined by Va. Code § 2.2-3701.**
2. “Member” means any member of the Board of Zoning Appeals
3. “Remote participation” means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is physically assembled, as defined by Va. Code § 2.2-3701. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver as defined in Va. Code § 2.2-3701 and uses remote participation counts toward the quorum as if the individual was physically present.**
4. “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
5. “Notify” or “notifies,” for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.
6. “VFOIA” means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. Mandatory Requirements

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

1. A quorum of the Board must be physically assembled at the primary or central meeting location; and
2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.
3. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.**

D. Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, **or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance,** (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.
3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.
4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. Process to Confirm Approval or Disapproval of Participation from a Remote Location

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. Recording in Minutes

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, **or the member is a caregiver who must provide care for a person with a disability**, or because the member's principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Board's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.
2. If the member is allowed to participate remotely due to a personal matter, the Board shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Board's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.
3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. Closed Session

If the Board goes into closed session, the member may continue to participate remotely in the closed session, and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. Strict and Uniform Application of this Policy

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request

to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. Meetings Held Through Electronic Communication Means During Declared States of Emergency

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Board of Zoning Appeals may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, 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 provide for the continuity of operations of the Board or the discharge of its lawful purposes, duties, and responsibilities. The Board of Zoning Appeals when convening a meeting in accordance with this subdivision (I) 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 Board of Zoning Appeals conducting the meeting;
 - b. Make arrangements for public access to such meeting through electronic communication means;
 - c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;
 - d. Otherwise comply with the provisions of the Code of VFOIA; and
 - e. State in its minutes 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.
- J. Nothing in this Section VII shall be construed to prohibit the use of interactive audio or video means to expand public participation.

VIII. ORDER OF BUSINESS

The order of business for a regular meeting shall be:

1. Call to order by the chairman;
2. Roll call;
3. Determination of quorum;
4. Approval of minutes;
5. Report of the secretary;

6. Report of special committees (if any);
7. Unfinished business;
8. Public hearings;
9. Closed meeting (if any);
10. Adjournment

The secretary shall take down motions as accurately as possible to reflect the intent of the board. Any member may require that the secretary read back each motion before a vote is taken. The names of the persons making and seconding motions shall be recorded by the secretary.

The Board of Zoning Appeals shall keep a set of all minutes for all regular, adjourned and special meetings as well as committee meetings.

The secretary shall sign all minutes and certify copies following the adoption of the minutes with any corrections.

IX. HEARINGS

In addition to those required by law the board may at its discretion hold public hearings when it decides such hearings will be in the public's interest.

The chairman of the board may administer oaths and compel the attendance of witnesses. The secretary shall notify the parties in interest and the Zoning Administrator of its decision.

X. CORRESPONDENCE

It shall be the duty of the secretary to draft and sign all correspondence necessary for the Board. It shall be the duty of the secretary to communicate by writing, by telephone or by electronic communication as authorized by these Bylaws or by law whenever necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

All official papers and plans involving the authority of the board shall bear the signature of the chairman or acting chairman. Copies of same shall be certified by the secretary.

XI. AMENDMENTS

These rules may be changed by a majority vote of the entire membership.

The board may temporarily suspend any of the rules by a unanimous vote of members present.