

**West Run Planning District
BOARD OF ZONING APPEALS BYLAWS
(adopted 9/15/2011)
(revised 8/17/2016, 9/15/2021)**

ARTICLE I – AUTHORIZATION

SECTION 1 – STATE CODE

The West Run Planning District Board of Zoning Appeals was created as provided for in West Virginia State Code Chapter 8A, Article 8, as amended.

SECTION 2 – ZONING CODE

The West Run Planning District Board of Zoning Appeals was created as provided for in Article 2400 of the West Run Planning District Zoning Code of the Monongalia County.

ARTICLE II – OFFICERS AND STAFF

SECTION 1 – ELECTION

(A) At its first regular meeting each calendar year, the Board shall elect from its members a Chairperson and Vice-Chairperson.

(B) No member of the Board shall be eligible for the office of Chairperson or Vice-Chairperson until s/he has served on the Board for at least one (1) year, unless no member has served a minimum of one (1) year. In such event, the Chairperson or Vice-Chairperson shall be selected from any of the Board members.

SECTION 2 – CHAIRPERSON

(A) The Chairperson shall preside at all regular and special meetings, public hearings, study sessions, and field trips of the Board.

(B) The Chairperson may call special meetings of the Board as required or necessary.

SECTION 3 – VICE-CHAIRPERSON

The Vice-Chairperson shall act as Chairperson of the Board during the absence or disability of the Chairperson.

SECTION 4 – TEMPORARY CHAIRPERSON

For the purpose of establishing a quorum for a meeting and in the absence of both the Chairperson and Vice-Chairperson, any member may call the meeting to order for the purpose of electing a temporary Chairperson by a simple majority of those present.

SECTION 5 – REPLACING OFFICERS

(A) In the event of the death, disability, resignation, or removal of the Chairperson and Vice-Chairperson, the Board shall elect one of its eligible members to complete the unexpired term.

(B) A three-fifths majority of the total membership of the Board may, at any regular meeting, remove the Chairperson and Vice-Chairperson from office, provided that a new election to fill the remaining term of office is immediately held.

SECTION 6 – SECRETARY

The Director of Planning of the Monongalia County Planning Commission, or his/her designated representative, shall serve as the Board as Secretary. The Secretary shall perform such duties and functions as may be required from time to time by the Board, including recording, maintaining and distributing the minutes of each meeting, and sending notices and agendas to members in a timely fashion. The Planning Office shall furnish professional and technical assistance to the Board.

SECTION 7 – ATTORNEY

All questions of law shall be referred to the Prosecuting Attorney, or designated representative, for advice and opinion.

ARTICLE III – MEETINGS

SECTION 1 – REGULAR MEETINGS

(A) Regular meetings of the Board shall be held quarterly, although the Board may agree to hold meetings on a more frequent schedule, on the 3rd Wednesday of the months of January, April, July, and October at 6:00 PM. Whenever a legal holiday is the same day as a meeting, such meeting shall be cancelled or scheduled for an alternate date and advertised in accordance with State regulations pertaining to Open Government Meetings. An alternate date may be selected when, in the opinion of the Chairperson, the regular date conflicts with a community event that may hinder public access, attendance, and/or participation. In such case, the alternate date shall be advertised in accordance with State regulations pertaining to Open Government Meetings. *(amend 8-17-16)*.

(B) The Board shall establish rules and procedures pertaining to the order and conduct of its regular and special meetings. Regular and special meetings of the Board shall be open to the public and minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be filed in the office of the Planning Office as a public record. For any matter under consideration, any person may submit written comments and if attending in person, may speak to the issue upon being recognized by the Chairperson after stating his/her name and address and the names of any persons on whose behalf they are appearing.

(C) Regular meetings of the Board shall be held in conference room at the Planning Office, unless advertised differently.

(D) Where necessary, a member may participate in the meeting via telephone, or other acceptable electronic means *(amend 9-15-21)*.

SECTION 2 – SPECIAL MEETINGS

(A) Special meetings may be called by the Chairperson or upon the request, in writing or electronically, of any two or more members.

(B) Notice for a special meeting must be in writing, include the date, time, and place of the special meeting, and be sent to all members by the Secretary at least two (2) days before the special meeting.

(C) Written notice of a special meeting is not required if the date, time, and place of the special meeting were set in a regular meeting.

SECTION 3 – QUORUM

(A) The Board must have a quorum to conduct a regular or special meeting. A majority of the members of the Board shall constitute a quorum.

(B) No action of the Board is official unless authorized by a majority of the members present at a regular or properly called special meeting.

SECTION 4 – PARLIAMENTARY PROCEDURE

Roberts Rules of Order, current edition, shall be the parliamentary authority of the Board's regular and special meetings.

SECTION 5 – EXECUTIVE SESSIONS

The Board may hold an executive session closed to the public during a regular or special meeting to consider matters permissible in executive sessions pursuant to the laws of the State of West Virginia.

SECTION 6 – FIELD TRIPS

The Board may take Field Trips to view property or for other purposes relevant to a public hearing or other matter under consideration. All Board Field Trips shall be taken as part of a regular or special meeting and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. A record of the Field Trip shall be entered into the minutes, so that the record shall indicate that the Field Trip was taken into consideration as evidence.

ARTICLE IV – SEPARABILITY

The invalidation of any article or any section of any article shall not invalidate any other portion of these Bylaws.

ARTICLE V - AMENDMENTS AND POLICY ANNEXES

(A) These Bylaws may be amended by a four-fifths vote of all of the members of the Board at any meeting, provided that notice of said proposed amendment is given to each member in writing at least fifteen (15) days prior to said meeting.

(B) Policy Annexes that supplement these Bylaws may be adopted and amended by a four-fifths vote of all of the members of the Board at any meeting, provided that notice of said proposed amendment is given to each member in writing at least fifteen (15) days prior to said meeting.

Adopted 9-15-2021



Chairperson, Board of Zoning Appeals