

BYLAWS
AND RULES OF PROCEDURE
OF
TOWN OF CLIFTON BOARD OF ZONING APPEALS

ARTICLE 1

GENERAL PROVISIONS

Section 1. Scope and Provisions of Bylaws and Rules of Procedure. These bylaws and rules of procedure are adopted pursuant to Section 15.2-2308 *et seq.* of the Code of Virginia (the “Act”) and Section 9-27 of the Town of Clifton Code, adopted by the Mayor and Council of the Town of Clifton, Virginia in 1977, as amended (the “Ordinance”). They are intended to govern the affairs and the conduct of business of the Town of Clifton Board of Zoning Appeals (the “Board”) with respect to the performance of its functions, powers and duties under the Act and the Code.

Section 2. Principal Office. The principal office of the Board shall be located at the Clifton Town Meeting Hall, 12641 Chapel Rd, Clifton, VA 20124. All communications to the Board should be addressed to its Secretary at P.O. Box 309, Clifton, Virginia 20124 or at such other address as the Secretary may from time to time designate in the official records of the Board, including but not limited to its page on the website of the Town of Clifton (<http://clifton-va.com>). The Board may also have offices at such other places as it may from time to time designate by resolution.

ARTICLE II

MEETINGS; HEARINGS

Section 1. Meetings; Notice of Meetings. Meetings of the Board shall be held at such times and places as may be determined by its Chair in accordance with the provisions of applicable law. Meetings of the Board may be called by the Chair and must be called by the Secretary upon receipt of the written request of not less than three members of the Board. The Board may meet in closed session as and when determined by the Board in compliance with the Virginia Freedom of Information Act as then in effect.

Notice of such meeting shall be in writing, shall be given personally or by delivery to each member of the Board at his street or electronic address as it appears on the books or records of the Board unless he shall have filed a written request with the Secretary that notices intended for him shall be mailed to the address designated in such request. Notice of such meeting shall be given no less than five days prior to the date of

such meeting, and shall specify the time, place and purpose or purposes of the meeting. At such meetings, any and all matters may be considered and acted upon by a quorum of the members of the Board. Notwithstanding the foregoing, all notices of meetings shall comply with the Act and the Virginia Freedom of Information Act as then in effect.

Meetings may be canceled by the Chair if an applicant withdraws an application or appeal, or if inclement weather makes such meeting impracticable, or if a quorum of members cannot be present for such meeting. Applicants and members shall be notified of such cancellation or postponement in the same manner as notices are required to be given hereunder, except that there shall be no requirement that such notice be given any minimum number of days prior to such scheduled meeting date.

Section 3. Hearings; Notice of Hearings. Hearings shall be scheduled and held not earlier than 45 or later than 90 days after the Board's receipt of completed and executed applications for variances or appeals from determinations or orders of the Zoning Administrator of the Town of Clifton and the fee established by the Board. Notices of hearings shall be given in the manner and at the times required hereby and by the Act, and evidence of the publication of such notices shall be entered into the record of the hearings .

Any person may appear in person, by agent or attorney, and present comments at a hearing, at such time and of such length as may be established by the Chair at the commencement of each hearing.

The Board shall make a determination, by motion and roll call vote of its members, as to each application at the conclusion of the hearing, and shall specify all findings and facts that support its determination. Each applicant shall be notified in writing of the determination by the Board and, if the application or appeal is denied, the applicant's right to appeal such determination to the Circuit Court of Fairfax County, Virginia.

Section 4. Quorum. At any meeting of the Board, three members of the Board shall constitute a quorum for all purposes. No vacancy in the membership of the Board shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the Board.

Section 5. Voting. At every meeting of the Board, each member shall be entitled to one vote. All elections shall be had, action may be taken and motions and resolutions adopted by the affirmative vote of a majority of the members constituting a quorum at a meeting of the Board. Except when the vote is unanimous, the voting on all questions, resolutions and motions shall be by roll call and the yeas and nays shall be entered into the minutes of the meeting of the Board.

Section 6. Remote Participation in Meetings. Members may participate in meetings of the Board through electronic means as authorized by the Electronic Meeting

Policy adopted by the Board and in accordance with Section 2.2-3708.2 of the Virginia Code, as amended.

ARTICLE III

OFFICERS

Section 1. Officers. The officers of the Board shall be the Chair, the Vice-Chair, and the Secretary. In accordance with the Act, the Secretary may, but is not required to, be a member of the Board.

Section 2. Election. The officers of the Board shall be elected for the unexpired terms of their respective offices by the members of the Board at a meeting of the Board, and shall serve for said term and until their successors shall have been duly elected, except as Section 3 of this article provides otherwise for filling vacancies. If the Secretary is not a member of the Board, the term of the Secretary shall be coterminous with the term of the Chair.

Section 3. Vacancies. In case any office of the Board becomes vacant by death, resignation, removal or any other cause, or in the event additional offices are created by the Board, the members may at a meeting elect a person to fill such vacancy or additional office, and the person so elected shall serve in such office until the election of his successor at a meeting of the Board.

Section 4. The Chair. The Chair of the Board shall preside at all meetings of the Board and rule on all questions of order. He may submit such recommendations as he may consider proper concerning the business, duties, and affairs of the Board and any professionals to be retained by the Board. He shall have such other powers and shall perform such other duties as the Board may prescribe from time to time by resolution. The Chair shall receive no compensation.

Section 5. The Vice-Chair. The Vice-Chair shall preside over all meetings in the absence or disability of the Chair and shall perform the duties of the Chair in the event the office of Chair is vacant or in the event the Chair is unable to perform such duties by reason of illness, disability or absence. He shall have such other powers and perform such other duties as the Board may prescribe from time to time by resolution. The Vice-Chair shall receive no compensation.

Section 6. The Secretary. The Secretary of the Board shall act as clerk of all meetings of the Board, record or cause to be recorded all the proceedings of the meetings of the Board, receive all communications to the Board, distribute all completed and applications to members of the Board, and cause such records to be kept in such a manner as to insure their permanence, in compliance with applicable Virginia public records laws. He shall have charge of such books, documents and papers and handle all funds as the Board may determine. He shall in general perform all the duties incident to the office of Secretary, subject to the control of the Board and shall have such other powers to do

and perform such other duties as the Board may prescribe from time to time by resolution. He shall also keep a record, containing the names, alphabetically arranged, of all persons who are members of the Board, showing their places of residence and term of membership, and communicate with the Clerk of the Town of Clifton not less than sixty days prior to the expiration of the term of any member, giving notice thereof and requesting that the Mayor and Council of the Town of Clifton nominate a person to the Circuit Court of Fairfax County, Virginia to fill such membership position and communicate such nomination to the Chief Judge of such court. The Secretary shall receive no compensation.

The Secretary is authorized to certify, when required, the records, proceedings, documents, or resolutions of the Board be sealed.

Section 7. Removal of Officers. Any officer of the Board may be removed by a majority of the members constituting a quorum at a meeting of the Board whenever in its judgment the best interests of the Board will be served thereby. The removal of a member of the Board from an office thereof shall in no way constitute such member's removal as a member of the Board. Pursuant to the Act, members are appointed by and may be removed only by the Circuit Court of Fairfax County, Virginia.

ARTICLE IV

STAFFING

Section 1. Professional Services. The Board may contract for professional services required for the efficient and effective operation of the Board. Professional services as used in this section may include, but are not limited to, the services of legal counsel, engineering, architectural or court reporting services.

ARTICLE V

WAIVER OF SERVICE

Whenever the Board or any officer thereof is authorized to take any action or to hold any meeting or proceeding after notice or after the lapse of a prescribed period of time, such actions may be taken, or such meeting or proceeding held, without notice and without the lapse of any period of time, if at any time before or after the action to be completed or the meeting or proceeding to be held, the notice or lapse of time requirements be waived in writing by the member, person or body entitled to said notice or entitled to the benefit of the lapse of time, but only if such waiver is permitted by applicable law.

ARTICLE VI

FISCAL YEAR

The fiscal year of the Board shall commence on the first day of July of each calendar year and conclude on the last day of June of the following calendar year.

ARTICLE VII

AMENDMENTS

These bylaws and rules of procedure may be altered, amended, or repealed at any meeting of the Board by the affirmative vote of a majority of the members constituting a quorum at a meeting of the Board, provided that notice of the proposed action and a copy of such alteration or amendment or a copy of the provisions to be repealed are inserted in the notice of such meeting, given in accordance herewith.

ARTICLE VIII

CONFLICTS

If any provisions of these Bylaws and Rules of Procedure are inconsistent with the Act or the Ordinance, such conflicting provisions hereof shall, to the extent of such inconsistency, be deemed ineffective and of no force.