

## **BY-LAWS**

### **KINGSPORT BOARD OF ZONING APPEALS**

#### **ARTICLE I**

##### **Objective**

The objectives, powers, duties, and membership of the Kingsport Board of Zoning Appeals shall be as set forth in Sections 13-7-205 thru 13-7-208 of the Tennessee Code Annotated, and amendments and supplements thereto.

The Board of Zoning Appeals shall act in accordance with the above mentioned laws and such other laws as are applicable.

#### **ARTICLE II**

##### **Officers**

Section 1. The officers of the Board of Zoning Appeals shall be Chairman, Vice Chairman, and Secretary. The Chairman and Vice-Chairman shall be appointive members of the Board. The Zoning Administrator or designee shall serve as a non-voting Secretary of the Board.

Section 2. The Chairman shall preside at all meetings and hearings and shall have the duties common to parliamentary usage of that office. The Chairman may vote on and enter the discussion on all matters before the Board.

Section 3. The Vice Chairman shall act for the Chairman in his absence.

Section 4. The Secretary shall validate the minutes and records of the Board and perform other duties common to this office. Should the Secretary be unavailable, the Chairman shall perform all duties of the Secretary.

Section 5. Officers shall be elected by majority vote at the annual organization meeting in January of each year with nominations made from the floor.

Section 6. The Chairman and Vice Chairman shall be elected for one year terms and may succeed themselves. Vacancies in office shall be filled immediately for the unexpired term by regular election procedure.

## ARTICLE III

### Meetings

Section 1. Regular meetings shall be held on the first Thursday of each month.

Section 2. **Four** members of the Board of Zoning Appeals shall constitute a quorum. A quorum must be present for any business to be transacted.

Section 3. All meetings and hearings shall be open to the public.

Section 4. Robert's Rules of Order shall govern meetings. **However, the Board shall establish procedures of the Board of Zoning Appeals which shall delineate how the business of the Board shall be conducted, other than Robert's Rules of Order.**

Section 5. Special meetings may be called by the Chairman. In addition, the Chairman will call a special meeting when requested to do so in writing by a majority (**4**) of the Zoning Appeals Board members. The staff shall attempt to notify all members at least five (5) days in advance of the proposed meeting. The notice shall specify the purpose(s) of the meeting and no other business will be considered except by unanimous consent of the members in attendance.

## ARTICLE IV

### Amendments

These BY-LAWS may be amended by the affirmative vote of **4** members or majority vote of the entire Board of Zoning Appeals membership.

## **POLICIES AND PROCEDURES OF THE BOARD OF ZONING APPEALS**

### **I. Membership**

The Board of Zoning Appeals shall consist of **seven (7)** members, who may be members of the Kingsport Regional Planning Commission.

### **II. Method of Appointment**

Members shall be appointed by the Chief Executive Officer of the City (the Mayor) and confirmed by a majority vote of the Board of Mayor and Aldermen. Vacancies are to be filled by the same process.

### **III. Eligibility**

Persons who are residents of the City of Kingsport and are appointed by the Chief Executive Officer of the City are eligible to serve on the Kingsport Board of Zoning Appeals.

### **IV. Term of Office**

The terms of membership shall be **three (3)** years.

### **V. Compensation**

All members of the Kingsport Board of Zoning Appeals shall serve without compensation.

### **VI. Order of Business**

The order of business at all regular meetings shall be as follows:

- a. Roll Call/Attendance Check
- b. Swearing In/Affirmation of participants
- c. Old Business
- d. New Business - Hearing of cases
- e. Approval of minutes
- f. Staff Reports
- g. Adjudication of Cases
- h. Public Comment**

The Board may adjourn a regular meeting if all applications or appeals cannot be disposed of on the day set, and no further public notice shall be necessary for such a meeting.

## **VII. Forms**

The forms hereafter referred to in these policies and procedures and made part thereof are:

- a. Board of Zoning Appeals Application form stating specific request to be heard by the Board
- b. Notice of Public Hearing
- c. Advertisement of Public Hearing
- d. Resolution in the form of approved minutes

The applicant shall provide the Secretary with all information requested by the form prescribed for consideration of his or her case and any such additional information and data as may be required to advise the Board fully with reference to the application or appeal, whether such information is called for by the official forms or not. No application or appeal will be considered by the Board unless it is made on the form required. All required data and/or plans submitted in proper order shall be in the hands of the Secretary before the meeting is called.

## **VIII. Procedures for Hearing Cases**

Appeals to the Board may be taken by any person affected by any decision of the Building Official. Such appeal shall be filed on a Board of Zoning Appeals Application and transmitted by the Building Official to the Secretary of the Board, along with all papers constituting the record upon which the action appeals was taken.

Applications for a variance or special exception permit shall be filed with the Building Official or at the same time as the application for a building permit, and the Building Official shall transmit both applications to the Secretary of the Board of Zoning Appeals.

- a. An application or appeal properly filed with the required data shall be given a case number and placed upon the calendar of the Board by the Secretary for a hearing within thirty (30) days of the date filed. Applications or appeals shall be numbered and heard in the order in which they are received.

The Secretary of the Board shall notify the parties of interest as to the time and place scheduled to hear the case and give ten (10) days public notice, in a newspaper of general circulation in Kingsport.

- a. At the time of the public hearing, the applicant or designee shall appear before the Board and present the case. The applicant may appear in his/her own behalf or be represented by counsel or agent.
- b. The applicant's statement shall be presented first followed by any statement of opposition after which the applicant may be heard in rebuttal.

Final decision of any application to the Board of Zoning Appeals shall be in the form of a resolution which must be approved by a quorum of the membership of the Board.

- a. Within thirty (30) days after the hearing, the Secretary of the Board shall notify the parties of interest and the Building Official of the Board's decision.

## **Rehearing of Cases**

It is hereby the policy of the Kingsport Board of Zoning Appeals not to reconsider cases previously heard unless there are one or more substantial changes in the conditions surrounding the case. Rehearing of a case will not include the introduction of new testimony that could have been given during the first public hearing. The Board must concur through a majority vote that the underlying reasoning has changed. These changes do not include speculated financial losses, changes in ownership or lapse of time. It must be proven, through written documentation that a substantial change has occurred. The document must be received by the Secretary of the Board no later than ten (10) days prior to the Board meeting in which a request to rehear a case is to be considered. During the rehearing consideration, no additional testimony shall be received, either written or verbal. If a majority of the Board approved the re-opening of a case, the case shall be considered at the next scheduled Board meeting.

## **IX. Records**

A file of all material received and decisions relating to each case shall be kept by the Secretary and all records of the Board of Zoning Appeals shall be public record.

## **X. Duties and Responsibilities**

The Kingsport Board of Zoning Appeals shall have the power of Administrative Review, to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Official in the carrying out or enforcement of any provisions of the Zoning Ordinance.

The Kingsport Board of Zoning Appeals shall have the power of Conditional Uses or Special Exceptions, to hear and decide applications for special exceptions as specified in the Zoning Ordinance, and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass by Zoning Ordinance.

The Kingsport Board of Zoning Appeals shall have the power of Variances, to hear and decide applications for a variance from the terms of this chapter (Chapter 114) where specified enforcement would result in unnecessary hardship provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Ordinance.