

5. APPOINTMENTS

BOARD OF ZONING APPEALS

As discussed last month, the following three Board member's respective terms expired on September 30, 2012:

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| Boykins-Branchville District | Elma A. Brown |
| Franklin District | Peter F. Copeland |
| Newsoms District | Brian Darden |

As you know, appointments to the BZA are made by the Circuit Court upon recommendation from the Board of Supervisors. Terms are for 5 years meaning that these 3 terms will run from October 1, 2012 to September 30, 2017.

While all three are eligible for reappointment, it is important to note that Ms. Brown no longer resides in the Boykins-Branchville District – the latest redistricting moved her to the Drewryville District. Also note that the statute below provides that Board members shall continue to serve until a successor is appointed by the Court, regardless of the expiration of their term.

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

— A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, **appointed by the circuit court for the locality.** Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. **A member whose term expires shall continue to serve until his successor is appointed and qualifies.** The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

MOTIONS REQUIRED: Motions are required for recommendations to be forwarded to the Court relative to the three appointments referenced above.