

Thompson's Station Board of Zoning Appeals Rules of Procedure

Purpose

The purpose of these rules of procedure is to provide direction as to the business of the Board of Zoning Appeals (BZA). The BZA is empowered with the authority to make decisions regarding special exception permits, variances and temporary uses/events. The procedures to be used in making each of the above decisions are subject to certain principles, standards, rules, and conditions set forth within the Town's Zoning Ordinance.

Authority

Pursuant to the Tennessee Code Annotated, section 13-7-205, the Town of Thompson's Station Board of Zoning Appeals hereby enacts these rules. The BZA is also empowered by the Town of Thompson's Station Town Charter, by Ordinance, and any amendments and supplements thereto and by any policies or rules adopted by the BZA.

Appointment

The BZA of Thompson's Station, is hereby established and confirmed as a five (5) member Board in accordance with Tennessee Code Annotated § 13-7-205(a)(1). The Board of Mayor and Aldermen shall appoint the members of the BZA for a three (3) year term. The terms of office, succession, removal, filling of vacancies, and their powers and duties, shall be as provided in the Tennessee Code Annotated.

Officers

BZA officers shall consist of a Chair, Vice Chair and Secretary. The officers shall be appointed by majority vote of the members of the BZA and shall serve for one (1) year. The officers shall be elected at the first meeting of the year and shall serve for that calendar year. If the Chair is not present at the meeting, the Vice Chair shall preside. If neither the Chair nor the Vice Chair is present, the Secretary shall call for an election of a temporary Chair.

Duties

1. Chair - The Chair shall preside at all meetings and hearings of the BZA and shall vote on the matters addressed before the BZA.
2. Vice Chair - The Vice Chair shall preside at any meeting or hearing not attended by the Chair and shall assume the duties of the Chair.
3. Secretary - The Secretary shall keep a full record of all proceedings of the BZA, including minutes. Minutes shall be maintained at Town Hall.

Town Staff

1. Staff shall perform all functions related to the preparation of the agenda for all meetings and hearings. Staff shall also prepare and distribute public notices; minutes; and perform others duties necessary for the effective organization and management of the BZA and all matters that are presented before the BZA.

2. The BZA shall use the services of the Town Attorney as deemed necessary.

Meetings

1. Meetings will be held on an as needed basis when requests for BZA review are submitted to the Town. All meetings shall be open to the public and pursuant to the Tennessee Open Meetings Act in the Tennessee Code Annotated Section 8-44-101.
2. The presence of three (3) voting members of the BZA shall constitute a quorum, and a quorum must be present to hear any application. A concurring vote of a majority of the voting members shall be present to approve and deny any application.

Publication

No action shall be taken by the BZA on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Thompson's Station at least ten (10) days before the hearing by the BZA. No hearing shall be considered and heard by the BZA less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the BZA that could not have been reasonably presented in a public hearing before the BZA, the BZA shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

Agenda

It shall be the duty of staff to prepare an agenda listing the business and matters to be considered by the BZA.

Conduct by the BZA Members

1. Site Visits - BZA members may, at their own discretion, make site visits for the evaluation of the request that is to be heard before the BZA, however, any statements made by BZA members regarding a subject property shall not be considered as evidence by the BZA

Order of Business

1. Call the meeting to order.
2. Approve the minutes of prior meetings.
3. Announcements.
4. Vote to place non-agenda items on the agenda (if applicable).
5. Order of the presentation of agenda items.
6. Non-agenda items.
7. New business.

Minutes

1. Copies of the minutes from previous meetings shall be provided to the members of the BZA within the agenda packet.
2. Minutes shall be approved by the majority of the members of the BZA.
3. Any proposed corrections of the minutes, with the exception of typographical errors, shall require unanimous consent.

Amendments

These rules may be amended at a meeting, but no amendment shall be adopted unless written notice of at least four (4) days is first given to the BZA members.

Parliamentary Rules

To the extent not inconsistent with these rules, the State's enabling legislation; Roberts Rules of Order shall be the parliamentary rules of the BZA.

Conflict with State Law or Town Ordinances

In any conflict between any provision herein with either state law or the ordinances of the Town of Thompson's Station, state law and/or the ordinances shall supersede these rules of procedure.

Approved on the 27th day of April 2010.

By: *Robert J. Burtz*
Chair

Mary Herring
Secretary