

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Public Hearing
Cumberland County Circuit Courtroom
Monday, January 09, 2023
6:30 p.m.**

PRESENT: Bill Burger, District 3, Chairman
Steve Rosen, District 1
Stephen Donahue, District 2
Hubert Allen, District 4, Vice-Chairman
Michael Schember, District 5
William Flippen, At-Large

ALSO PRESENT: Stephany S. Johnson, Planning and Zoning Administrator, Planning
Commission Secretary
Gene Brooks, Board of Supervisor liaison to the Planning Commission

ABSENT: Kevin Meadows, At-Large

CALL TO ORDER AND ROLL CALL

Planning Commission Secretary, Stephany S. Johnson called the Planning Commission's regular meeting of Monday, January 09, 2023, to order at 6:30 p.m. and a quorum was established.

APPOINTMENT OF TEMPORARY CHAIRMAN

Commissioner Donahue made a motion to appoint Dr. Bill Burger as temporary Chairman. Commissioner Allen seconded. The motion passed unanimously with a vote of 6-0.

APPROVAL OF AGENDA

MOTION:

Commissioner Allen made a motion to amend the agenda as presented. Commissioner Schember seconded. The motion carried unanimously with a vote of 6-0.

APPROVAL OF MINUTES

MOTION:

Commissioner Allen made a motion to approve the minutes from November 14, 2022. Commissioner Schember seconded. The motion carried unanimously with a vote of 6-0.

SET PUBLIC HEARINGS

CUP 22-15 Denaro Christmas Tree Farm

Staff requests the Commission set CUP 22-15 Denaro Christmas Tree Farm for public hearing at this meeting. The application was advertised as required by state code.

MOTION:

Commissioner Allen made a motion to set CUP 22-15 Denaro Christmas Tree Farm for public hearing for January 9, 2023. Commissioner Flippen seconded. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CODE AMENDMENT 22-03 SHORT TERM RENTALS

Airbnb and other short-term rentals are becoming more and more common, with approximately 8-10 locations within the county currently. The zoning ordinance permits bed and breakfast inns and other hosted short-term rentals as by-right uses in the A-2, A-20, R-1, R-2 and R-3 zones, and permits this use with a conditional use permit in the RA-1 zoning district. Unhosted short-term rentals are currently not permitted in the code.

Mrs. Johnson informed the Commission that the proposed code amendment will amend existing and propose new definitions regarding hosted and unhosted short-term rentals, create an ordinance governing those uses, as well as create a Short-Term Rental Registry. The code amendment proposes to permit hosted short-term rentals as a by-right use, and unhosted short-term rentals with a conditional use permit in the A-2, A-20, RA-1, R-1, R-2 and R-3 zoning districts.

Commissioner Donahue suggested removing the maximum of 10 occupants and only limiting the number of occupants by the total number allowed by the septic permit. He also suggested to clarify Section 74-16(b)(1), the Commission should remove “Upon repeated violations...” and replace it with “...more than one...”.

Commissioner Allen suggested that an unhosted short-term rental be permitted as a by-right use when the owner lives on the same parcel as the short-term rental dwelling.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman closed the public hearing.

MOTION:

Commissioner Allen made a motion to postpone action on CA 22-03 Short-Term Rentals until staff can provide further clarification on questions raised. Commissioner Rosen seconded. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CODE AMENDMENT 22-05 BUSINESS PERSONAL PROPERTY

Mrs. Johnson informed the Commission that this code amendment proposes to add a state code reference (§58.1-3503) regarding the general classification of tangible personal property.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman closed the public hearing.

MOTION:

Commissioner Allen moved to send CA 22-05 Business Personal Property to the Board of Supervisors with a recommendation of approval. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CONDITIONAL USE PERMIT 22-15 DENARO CHRISTMAS TREE FARM

Mr. & Mrs. Denaro are requesting a Conditional Use Permit to operate a Christmas Tree Farm on a 10.04-acre parcel adjacent to their residence. The parcel is dual-zoned and includes R-1 for 1,000 feet from the centerline of Rt. 45S, Cumberland Road, onto their property, and the remainder is zoned A-2 Agricultural. A Christmas Tree Farm is agricultural in nature and is not listed as a permitted use in the R-1 zoning district. Section 74-7 provides that if in any district a use is not specifically permitted, and an application is made by the owner for the use, the Planning Commission and Board of Supervisors must conduct a public hearing on the application.

Should the Commission wish to recommend this application to the Board of Supervisors, staff recommends the following conditions:

1. Lighting: Lighting shall not constitute a nuisance and shall not produce glare or spillover onto adjacent properties.
2. Hours of Operation: The Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. daily.
3. Septic, Well and electrical connections: The applicant shall comply with all federal, state and local regulations pertaining to the use of private water, sewer and electricity.
4. Compliance with plan required: The applicant shall comply with the site plan attached to the application in regard to the areas to be used for parking. In no case may drives or parking areas be closer than any setbacks for the underlying zoning district. Such provisions shall at a minimum include gravel at the site entrance and if necessary at vehicle parking locations.
5. Compliance with VDOT required: The applicant shall comply with VDOT regulations pertaining to the use of the public roadway and shall construct required improvements prior to beginning the use of the property under the CUP.
6. Community safety: If county or state law enforcement is required to respond to restore order to those on the property more than two (2) times in a thirty (30) day period the conditional use permit shall be reviewed by the Board of Supervisors and may be revoked at the Board's discretion.
7. Noise Control: Noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. The noise and sounds level shall be undetectable at all property lines.

8. The applicant shall, at all times, comply with all applicable federal, state and local statutes, codes, regulations and ordinances. A confirmed violation at any time of any federal state, or local statute, code, regulation, or ordinance shall constitute a violation of this conditional use permit. This conditional use permit shall terminate immediately upon such violation, subject to the terms set forth in condition number nine (9) below.
9. Noncompliance with any one or more of the conditions set forth in this conditional use permit shall cause the conditional use permit to terminate immediately upon the existence of the violation; provided, however, that the permit holder shall be given notice of any asserted violation, and if the violation of any one or more conditions may be remedied, the applicant shall have a reasonable opportunity to correct the violation within 30 days of being notified of the violation, or a longer period, if reasonable as determined at the sole discretion of the zoning administrator. Notwithstanding any of the foregoing, the provision of an opportunity to correct a violation, or the provision of a warning of a possible violation which does not result in the termination of the conditional use permit, shall in no way be a waiver of the future enforcement of that condition or any other condition, and future full enforcement of all conditions, including enforcement resulting in the termination of this conditional use permit, shall be made.
10. Renewal of conditional use permit: Regular renewal of the conditional use permit shall be required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals shall be based upon the following schedule:
 - 5 year after approval;
 - 1 year after last renewal;
 - 2 years after last renewal;
 - 5 years after last renewal;
 - Every five years thereafter;
 - Renewal shall be required upon any change in property ownership, program provider, licensing type and/or management

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman closed the public hearing. Mrs. Denaro asked the Commission if it would be more beneficial if the entire property was rezoned to A-2. Commissioner Donahue and Chairman Burger informed her that a Christmas Tree Farm would be a by-right use. Commissioner Donahue recommended that the applicant move forward with the CUP, and at a later date, if they chose, they could submit a request to rezone the entire parcel to A-2, Agricultural.

MOTION:

Commissioner Allen made a motion to send CUP 22-15 Denaro Christmas Tree Farm to the Board of Supervisors with the recommendation of approval. Commissioner Schember seconded the motion. The motion carried by a vote of 6-0.

PUBLIC HEARING: CONDITIONAL USE PERMIT 22-03 ANNA'S PUPPIES

Staff was made aware that there were puppies being bred and sold on this parcel in April 2022. Staff contacted the Zook's, who confirmed that Mrs. Anna Mary was in fact breeding, raising and selling dogs on her property. Staff informed the owners that this type of use requires a conditional use permit and explained the process.

Mrs. Anna Mary Zook is requesting a Conditional Use Permit to continue to operate a commercial kennel in existing structures on her farm. The applicant currently has 21 female and 4 male dogs. This use is consistent with a Commercial Kennel as defined in the Cumberland Zoning Ordinance Section 74-2, and a Kennel as defined in the Code of Virginia Section 3.2-6500. A commercial dog breeder is defined by State Code as any person "...who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring..."

Hours of operation are Monday through Saturday from 8:00 a.m. until 9:00 p.m. and the business averages 5 customers per week. Both staff and Animal Control Officers conducted multiple site visits, and have found no issues with the animals, their care or shelters.

Commissioner Allen stated that he has a working business relationship with Mr. Zook, and in consultation with the County Attorney, there is no conflict of interest in Commissioner Allen's participation in or action on the development request.

Staff recommends the following conditions:

- 1) All animals shall be kept in pens or other enclosures designed and maintained for humane and secure confinement.
- 2) The Applicant shall at all times provide adequate care for all animals pursuant to Virginia Code Sec. 3.2-6503, to include adequate shelter space.
- 3) This conditional use permit shall be limited to the use of (2) buildings with a maximum of 29 female dogs of breeding age. The applicant at no time shall be considered a commercial breeder as defined in Virginia Code Sec. 3.2-6500.
- 4) Applicant will be subject to scheduled annual inspections, and periodic unannounced inspections during regular business hours by Cumberland County Animal Control.
- 5) Applicant must procure and maintain current dog licenses through the Cumberland County Treasurer's Office for all animals for which the regulations apply.
- 6) Noise Control: The noise and sound level controls shall be at a normal conversation level at all property lines so as not to disturb adjacent properties.
- 7) Community Safety: If county or state law enforcement is required to respond to restore order, and violations confirmed, or citations are issued to those on the property more than two (2) times in a thirty (30) day period, the conditional use

permit may be reviewed by the Board of Supervisors and may be revoked at the Board's discretion.

- 8) The applicant shall, at all times, comply with all applicable federal, state and local statutes, codes, regulations and ordinances. A confirmed violation at any time of any federal state, or local statute, code, regulation, or ordinance shall constitute a violation of this conditional use permit. This conditional use permit shall terminate immediately upon such violation, subject to the terms set forth in condition number nine (9) below.
- 9) Noncompliance with any one or more of the conditions set forth in this conditional use permit shall cause the conditional use permit to terminate immediately upon the existence of the violation; provided, however, that the permit holder shall be given notice of any asserted violation, and if the violation of any one or more conditions may be remedied, the applicant shall have a reasonable opportunity to correct the violation within 30 days of being notified of the violation, or a longer period, if reasonable as determined at the sole discretion of the zoning administrator. Notwithstanding any of the foregoing, the provision of an opportunity to correct a violation, or the provision of a warning of a possible violation which does not result in the termination of the conditional use permit, shall in no way be a waiver of the future enforcement of that condition or any other condition, and future full enforcement of all conditions, including enforcement resulting in the termination of this conditional use permit, shall be made.
- 10) If any condition of this conditional use permit is determined to be invalid or unenforceable or unlawful, it will not affect the other conditions which will remain and continue in full force and effect.
- 11) Renewal of conditional use permit: Regular renewal of the conditional use permit shall be required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals shall be based upon the following schedule:
 - a. 1 year after approval;
 - b. 2 years after last renewal;
 - c. 5 years after last renewal;
 - d. Every five years thereafter;
 - e. Renewal shall be required upon any change in property ownership, program provider, licensing type and/or management

The Chairman opened the public hearing. Ms. Margaret Van Siclen spoke in favor of the application, and in support of the Zook's. With no other citizens signed up to speak, the Chairman closed the public hearing.

MOTION:

Commissioner Donahue made a motion to submit CUP 22-03 Anna's Puppies to the Board of Supervisors with the proposed conditions with a recommendation of approval. Commissioner Allen seconded the motion. The motion carried by a vote of 6-0.

GENERAL CITIZEN COMMENT

Mr. David Zook questioned the process that would allow the Zook's to transition from individual dog licenses to a kennel license. Staff indicated that the Treasurer's Office could advise them on their options regarding dog licenses.

OLD BUSINESS

None.

NEW BUSINESS

Monthly Updates

The monthly Planning update and Building Inspections reports were provided for information. Mixed Use Zoning District and Multi-family housing are two issues staff hopes to address this year.

Comprehensive Plan update

The Board of Supervisors issued an RFP for Consulting Services for a Comprehensive Plan update on November 1, 2022 with a submission deadline of November 30, 2022. At the regular meeting of the Board held on December 13, 2022, the Board authorized the County Administrator to enter into a contract with Summit Design and Engineering Services. Staff held an initial kick-off meeting with Summit on December 20th and discussed the project. Summit has asked that staff coordinate a joint workshop with the Commission and the Board to review the plans for the Comp Plan update. This workshop has been tentatively set for Monday, January 23, 2023 at the Bear Creek Meeting Hall.

PLANNING COMMISSION ANNUAL MEETING ITEMS – ELECTION OF OFFICERS

Temporary Chairman, Dr. Bill Burger stated that his term expires in August of this year, and he will not be seeking reappointment. Chairman Burger opened the floor for nominations for Planning Commission Chairman.

MOTION:

Commissioner Burger made a motion to appoint Commissioner Rosen as Chairman. Commissioner Schember seconded the motion. The motion carried unanimously with a vote of 6-0.

MOTION:

Commissioner Donahue made a motion to nominate Commissioner Allen as Vice-Chairman. Commissioner Burger seconded the motion. The motion carried by a vote of 5-0-1 with Commissioner Allen abstaining.

PLANNING COMMISSION ANNUAL MEETING ITEMS – BYLAWS RENEWAL

BY-LAWS Of the CUMBERLAND COUNTY, VIRGINIA PLANNING COMMISSION

Readopted:
January 9, 2023

ARTICLE I – AUTHORIZATION

- 1.1. This Planning Commission is re-established in conformance with action by the Board of Supervisors of Cumberland, Virginia on September 1, 1989; and in accord with the provisions of Section 15.2-2210, Code of Virginia (1950), as amended.
- 1.2. The official title of this body shall be the Cumberland County Planning Commission, hereinafter referred to as the “Commission.”

ARTICLE II – PURPOSE

- 2.1. The primary purpose of the Commission is to serve in an advisory capacity to the Board of Supervisors by preparing and recommending plans, ordinances, capital improvements programs, and other documents to the Board of Supervisors for its consideration.

ARTICLE III – MEMBERSHIP

- 3.1. The Commission shall consist of seven (7) voting members appointed by the Board of Supervisors. All shall be residents of Cumberland County and qualified by knowledge and experience to make decisions on questions of growth and development. At least half of the members shall own real property in Cumberland County. In addition to the seven (7) voting members, the Board of Supervisors may appoint one of its members to serve on the Commission as an ex officio member.
- 3.2. The terms of office for the Board of Supervisors member and the county planner and/or zoning administrator shall be coextensive with their terms of office, or until the Board of Supervisors appoints their replacement. The term of the members shall be for three (3) years. Subsequent members shall be appointed for terms of three (3) years. The Board of Supervisors, at its discretion, may establish different terms of office for initial and subsequent appointments including terms of office concurrent with those of the Board of Supervisors.

- 3.3. Vacancies shall be filled by appointment made by the Board of Supervisors and shall be for an unexpired term only.
- 3.4. Members of the Commission shall be eligible for reappointment.
- 3.5. Planning Commission members shall be encouraged to attend a certified planning commission course within six (6) months of the member's initial appointment.
- 3.6. Members of the Commission shall attempt to attend all meetings and shall not be absent from more than one-third of the total Commission meetings during any calendar year without just cause. A letter from the Secretary to the member shall be sent after any member is absent for more than one-third of the total Commission meetings during any calendar year or is absent from three consecutive regular meetings. Any such letter shall provide the member with a warning that further absences may be deemed to constitute malfeasance in office and may result in his or her removal from the Planning Commission by the Board of Supervisors.
- 3.7. In addition to the reasons set forth in Sec. 3.6, members may be removed by the Board of Supervisors for any other acts of malfeasance in office.
- 3.8. Terms of the Commission members shall expire immediately before the beginning of the regular meeting at which time their successors' terms of office begin.
- 3.9. Members of the Planning Commission shall be compensated according to amount set by the Board of Supervisors.

ARTICLE IV – SELECTION OF OFFICERS

- 4.1. Officers of the Commission shall consist of a chairman, vice-chairman and secretary. The chairman and the vice-chairman shall be elected by the membership. The county planner and/or zoning administrator will be appointed to serve as the secretary to the Planning Commission without voting privileges.
- 4.2. Nomination of officers shall be made from the floor at the January meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the membership present and voting shall be declared elected.
- 4.3. Vacancies shall be filled for an unexpired term by a majority vote of the Commission.

ARTICLE V – DUTIES OF OFFICERS

- 5.1 The chairman shall:
 - 5.1.1. Preside at meetings of the Planning Commission.
 - 5.1.2. Appoint committees.

- 5.1.3. Rule on procedural questions (subject to reversal by a two-thirds vote of the members present).
 - 5.1.4. Report official communications at the next regular Commission meeting.
 - 5.1.5. Certify official documents involving the authority of the Commission.
 - 5.1.6. Certify minutes as true and correct copies.
 - 5.1.7. Carry out other duties as assigned by the Commission.
- 5.2 The vice-chairman shall:
- 5.2.1. Assume the full powers of the chairman in the absence of inability of the chairman to act.
 - 5.2.2. Carry out other duties as assigned by the Commission.
- 5.3 The secretary shall:
- 5.3.1. Notify members of all meetings.
 - 5.3.2. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
 - 5.3.3. Attend to the correspondence necessary for the execution of the duties and functions of the Commission.
 - 5.3.4. Record attendance at all meetings.
 - 5.3.5. Record the minutes of the Commission meetings.
 - 5.3.6. Maintain a file of all official Commission records and reports.
 - 5.3.7. Certify maps, records and reports of the Commission.
 - 5.3.8. Carry out other duties as assigned by the Commission.

ARTICLE VI – COMMITTEES

- 6.1 The following committees may be appointed at the discretion of the chairman.
- 6.1.1. *Comprehensive Plan Committee* – develops, updates, and revises the comprehensive plan and coordinates the work of other committees that is related to the plan development.
 - 6.1.2. *Ordinance Committee* – at the request of the Board of Supervisors, studies, reviews and makes recommendations on issues affecting the County.
 - 6.1.3. *Zoning and Mapping Committee* – drafts zoning ordinance and subsequent amendments. Reviews applications for rezoning, special exceptions or conditional use permits and makes recommendations to the Commission. Prepares and maintains an inventory of land uses within Cumberland County and is responsible for the preparation of land use maps. Drafts subdivision regulations and subsequent amendments. Examines subdivision applications and makes recommendations to the Commission after reviewing staff comments.
 - 6.1.4. *Capital Improvements Committee* – prepares and annually updates a capital improvements program (CIP) in conjunction with Cumberland County

administrative officials. Assures that the CIP is in conformance with the comprehensive plan.

- 6.2 Special Committees may be appointed by the chairman for purposes and terms approved by the Commission.
 - 6.2.1. Committee meetings shall follow the same protocol as a regular meeting.
 - 6.2.2. Citizen input shall be allowed in all committee meetings but shall not exceed the time limit set by the committee chairman.
 - 6.2.3. Citizens can be appointed to subcommittees to work on special projects by the Planning Commission members serving on various committees. The subcommittee shall act in an advisory capacity to the committee that selected them. At least one Planning Commission member shall serve on the subcommittee.
 - 6.2.4. Citizens do not vote with the committee in an issue to go before the Planning Commission.

ARTICLE VII – MEETINGS

- 7.1. Regular meeting date and times of the Commission shall be established for the coming year at the Commission’s first meeting held in January. Special meetings shall be called as needed. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless the Commission selects an alternate day.
- 7.2. Special meetings may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail a written notice to all members, at least five days before a special meeting, stating the time, place and purpose of the meeting.
- 7.3. All meetings of the Commission shall be open to the public.

ARTICLE VIII – VOTING

- 8.1. A majority of the members shall constitute a quorum.
- 8.2. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
- 8.3. Members from the Board of Supervisors and the administrative branch shall serve as non-voting members.
- 8.4. Chairman shall vote on all matters before the Commission as appropriate.

ARTICLE IX – ORDER OF BUSINESS

- 9.1 The order of business for a regular meeting shall be:

- 9.1.1 Call to order
- 9.1.2 Recording of roll
- 9.1.3 Determination of a quorum
- 9.1.4 Presentation of invited speaker
- 9.1.5 Approval of minutes
- 9.1.6 Public hearing (when necessary)
- 9.1.7 Report of standing committees
- 9.1.8 Report of special committees
- 9.1.9 Old business
- 9.1.10 New business
- 9.1.11 General public comment (items not pertaining to a public hearing matter, maximum of 30 minutes total, and up to, but not more than five minutes per person)
- 9.1.12 Announcements and remarks by the commissioners
- 9.1.13 Adjournment

The failure to adhere to the foregoing order of business shall not invalidate an action or recommendation of the Planning Commission.

- 9.2 The latest edition of Robert's Rules of Order shall be used as a guideline to govern the parliamentary procedure of Commission meetings; provided, however, the failure to adhere to the parliamentary procedure set forth in Robert's Rules of Order shall not invalidate an otherwise valid action or recommendation of the Planning Commission.
- 9.3 The Commission shall keep minutes of each meeting, and after approval, these minutes shall become a public record. The secretary and the chairman shall sign all minutes.

ARTICLE X – PUBLIC HEARINGS

- 10.1. In addition to those required by law, the Commission may hold public hearings on any matter, which it deems to be in the public interest.
- 10.2. Notice of a public hearing shall follow § 15.2-2204 of the Code of Virginia.
- 10.3. The chairman shall summarize the matter before the Commission, allow technical presentations by qualified persons or firms and allow interested citizens to speak. Citizens desiring to speak may sign up with the secretary prior to the meeting. Time allowance will be at the discretion of the chairman. The chairman will accept written statements and other documentation pertinent to the matter being addressed; however, the chairman may recognize someone that has arrived late.
- 10.4. An accurate, written record shall be made of the proceedings of a public hearing, approved by the Commission and maintained as part of the Commission files.

ARTICLE XI – AMENDMENTS

11.1. These By-Laws may be amended by a majority vote of the entire membership after seven (7) days prior to notice.

MOTION:

Commissioner Allen made a motion to approve the Bylaws as presented. Commissioner Burger seconded the motion. The motion carried unanimously with a vote of 6-0.

DISCUSSION: PLANNING COMMISSION ANNUAL MEETING ITEMS – MEETING SCHEDULE

Cumberland County Planning Commission 2023 Meeting Schedule

This meeting schedule may be subject to changes

Application Deadline 4:30 PM		Regular Meetings 6:30 PM <i>Courthouse</i>	Workshop Meetings 6:30 PM <i>Board meeting room</i>
December 9, 2022 January 27, 2023 February 17, 2023 March 17, 2023 April 14, 2023 May 26, 2023 June 16, 2023 July 21, 2023 August 18, 2023 September 15, 2023 October 13, 2023 November 17, 2023 December 8, 2023		January 9, 2023 February 27, 2023 March 20, 2023 April 17, 2023 May 15, 2023 June 26, 2023 July 17, 2023 August 21, 2023 September 18, 2023 October 16, 2023 November 13, 2023 December 18, 2023 January 8, 2024	February 13, 2023 May 8, 2023 August 14, 2023 November 6, 2023
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		*	* Meeting is on an alternative date
		**	** Organizational Meeting

Regular Meetings are held monthly on the third Monday to review and conduct public hearings on current development applications. All regular meetings include a period for general public comment *and are held in the Circuit Courtroom of the Cumberland Courthouse unless otherwise posted.*

Workshop Meetings are held quarterly on the second Monday and focus on long-range and comprehensive planning matters. If there are no items for the agenda for any workshop, it may be canceled with prior notification. Workshops are open to the public, but there is no general public comment period unless noted. *Workshop meetings will be held in the Board meeting room in the basement of the Administration building unless otherwise posted.*

Adopted January 9, 2023

MOTION:

Commissioner Allen made a motion to accept and approve the meeting schedule as presented. Commissioner Flippen seconded the motion. The motion carried unanimously with a vote of 6-0.

DISCUSSION: LOCAL BOARD OF BUILDING CODE APPEALS ANNUAL MEETING ITEMS – ELECTION OF OFFICERS

MOTION:

Commissioner Donahue made a motion to allow the planning commission officers of Chairman Rosen and Vice-Chairman Allen to serve as the officers for the Local Board of Building Code Appeals. Commissioner Allen seconded the motion. The motion carried unanimously with a vote of 6-0.

DISCUSSION: LOCAL BOARD OF BUILDING CODE APPEALS ANNUAL MEETING ITEMS – BYLAWS RENEWAL

Local Board of Building Code Appeals By-Laws

Cumberland County, Virginia

Readopted:
January 9, 2023

ARTICLE I – Composition of the Board

- 1.1 The Board shall be comprised of the same body as the Planning Commission and the terms will run concurrent with their terms.

- 1.2 The Local Board of Appeals shall organize and elect a Chairman and a Vice Chairman and appoint a secretary annually in the month of January.
- 1.3 For the purpose of these rules, the term Chairman shall include Vice Chairman and the term Secretary shall include Acting Secretary.
- 1.4 The Chairman shall preside at all meetings and hearings of the Board and shall decide all points of order of procedure.
- 1.5 The Vice-Chairman shall assume the duties of the Chairman in the Chairman's absence.
- 1.6 The Secretary shall be a salaried county employee appointed by the County Administrator and shall conduct all official correspondence of the Board, send out all notices required by these rules of the Board, attend all meetings and hearings of the Board, keep the necessary files and indexes on each case which comes before the Board and generally supervise all the clerical work for the Board. The Secretary shall notify the applicant of the final action of the Board by certified mail.

ARTICLE II - MEETINGS

- 2.1 Regular meetings of the Local Board of Appeals for the hearing of cases shall be held on the fourth (4th) Monday of each month at a designated time, unless there are no pending appeals before the Board. Special meetings may be called by the Chairman provided at least five (5) days written notice of such meeting is given to each member. The Board shall meet within 30 calendar days of the date of receipt of application.
- 2.2 A quorum of the Board shall consist of four (4) members of the seven (7) member Board.
- 2.3 Hearings shall be held by the Board in the Circuit Courtroom of the Cumberland Courthouse or in such other place as the Board may deem necessary.
- 2.4 Business conducted at meetings of the Local Board of Appeals shall follow Roberts' Rules of Order or other parliamentary procedure.
- 2.5 Hearings shall be open to the public
- 2.6 The order of business at all regular meetings of the Board shall be as follows:
 - a. Call to order
 - b. Determination of quorum
 - c. Hearing cases on the agenda
- 2.7 The Board may adjourn a meeting of all applications or appeals cannot be disposed of on the meeting day, and no further notice shall be necessary for a continuation of such meeting.

ARTICLE III – SECTION 1 – PROCEDURE FOR HEARING CASES

- 3.1 Appeals to the Local Board of Appeals shall be filed with the code official on a form provided by the Board, and any applicable fees be paid. The Code Official shall transmit the appeal application form to the secretary of the Board along with all papers constituting the record of action upon which the appeal is based.
- 3.2 The applicant shall provide the Secretary with all information required by the form provided by the Board and any such additional information or evidence as may be reasonably required for consideration of the matter.
- 3.3 An application for appeal filed according to the items above shall be assigned an appeal number within five (5) business days of receipt. Applications for appeals will be heard in the order they are received.
- 3.4 The Secretary of the Board shall schedule the appeal, notify all interested parties of the hearing and give notice including the time, date and place of the meeting to anyone requesting such information.
- 3.5 At the hearing, the order shall be as follows:
 - a. Presentation of case by the Secretary
 - b. Explanation and/or report by the County Building Official when pertinent
 - c. Statement of applicant or appellant
 - d. Statements of other persons in favor
 - e. Statements of those opposed
 - f. Applicant's rebuttal
- 3.6 The final decision on any appeal of the Local Board of Appeals shall be in the form of a written decision that matches the minutes and accurately conveys the verbal decision voted upon by the Board.
- 3.7 The Board shall notify the interested parties and the code official of the decision within seven (7) days after the signing of the written decision by the Chairman, and in any event, within fourteen (14) days after the meeting in which the decision was made, and within sixty (60) days of the date on which the application for appeal was filed.

ARTICLE IV – RECORDS

- 4.1 A complete file on each appeal shall be kept by the secretary as part of the records of the Local Board of Appeals.
- 4.2 All records of the Board shall be public records.

MOTION:

