

BY-LAWS OF
THE OAK RIDGE BOARD OF ZONING APPEALS
OAK RIDGE, TENNESSEE

ARTICLE I. OFFICERS

1. The Board shall organize and elect a Chairperson, Vice-Chairperson, and Secretary annually in the month of February.
2. The Chairperson shall preside at all meetings and hearings of the Board; shall decide all points of order or procedure; and shall appoint any committees that may be found necessary.
3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence, otherwise, the Board shall elect a Chairperson Pro Tem who shall preside for that meeting. In the absence of the Secretary, the Board shall fill the office temporarily in the same manner as the office of Chairperson is filled when the Chairperson and Vice-Chairperson are absent.
4. The Secretary or the Board designee shall be responsible for all official correspondence subject to these rules at the direction of the Board; shall assure all notices required by these rules of procedure are sent out, that the minutes of the Board's proceedings are kept, and that a file is maintained on each case which comes before the Board.

ARTICLE II. MEETINGS

1. A regular meeting of the Board of Zoning Appeals for the hearing of cases shall be held on the second Tuesday of each month at 5:30 p.m., unless no cases are pending, in which case no meeting shall be held.
2. Special meetings may be called by the Chairperson, provided that at least 24-hours notice of such meeting is given to each member, and to the public.
3. All Board meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Board shall exercise its powers only at public meetings.
4. A quorum shall consist of three (3) members of the Board and a quorum shall be present to conduct the duties of the Board at all regular or special meetings and no action may be taken in the absence of a quorum.
5. The order of business at all regular meetings of the Board shall be as follows: (a) roll call; (b) approval of minutes of previous meetings; (c) hearing of cases; (d) unfinished business; (e) new business.
6. The Board may adjourn a regular meeting if all appeals cannot be disposed of on the day set, after scheduling the next session of the adjourned meeting, and no further public notice shall be necessary for such subsequent sessions held to complete hearings on the deferred appeals.
7. When a member of the Board is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year, the Chairperson shall request that the member provide a written

explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absence will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no effort to comply with the Chairperson's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board.

When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year and, consistent with the procedure set forth, the Board rejects the explanation of absences or no explanation is forthcoming, the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson of the Board or Commission shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an election to fill the vacancy in the customary manner.

ARTICLE III. PROCEDURE FOR HEARING CASES

1. Appeals to the Board may be taken by any person affected by any decision of the Planning Division and by applicants for an interpretation, a special exception or a variance. Such appeal shall be filed with the Planning Division on Form 05-06-04, "City of Oak Ridge Board of Zoning Appeals Application", provided by the Planning Division. The Planning Division will, upon appellants' request, assist in the preparation of the appeal. Within a reasonable time, the Planning Division will transmit the notice of appeal as required by the Zoning Ordinance, to the members of the Board, along with all papers constituting the record from which the action appealed was taken.

2. The appellant shall provide the Planning Division with all information requested in Form 05-06-04, "City of Oak Ridge Board of Zoning Appeals Application," and any such additional information and data as may be required to advise the Board fully with reference to the appeal, whether such information is called for by the official form or not. No appeal will be considered by the Board unless it is made on the official form required.

3. A Notice of Appeal filed according to the above procedure shall be given a case number by the Planning Division immediately upon receipt of the appeal. The Planning Division will schedule a hearing and transmit the appeal to the members of the Board in accordance with the requirements of Section 16.10 of the Zoning Ordinance.

4. The Planning Division shall notify the abutting property owners and appellant by mail of time scheduled for the public hearing of the case and give fifteen (15) days' public notice in a newspaper of general circulation. The Planning Division will schedule hearings on appeals within thirty (30) days after receipt of the Notice of Appeal and all necessary papers, provided that the number of appeals requiring action of the Board are not so great as to make such scheduling impracticable.

5. At the time of the public hearing, the applicant and/or interested party shall appear in his/her own behalf or be represented by counsel or agent.

6. Final decision on any appeal shall be in the form of a motion which must be approved by a quorum of the membership of the Board of Zoning Appeals, i.e. at least a quorum of the membership must vote in favor.

7. Within thirty (30) days after the hearing, the Board or its designee shall provide written notification to the parties in interest and the Planning Division of its decision.

8. The application fee includes the cost of advertisement for the meeting. The applicant will be allowed one continuance/postponement without additional cost. If the applicant postpones or requests a continuance more than once, the applicant will be responsible for a proportionate share of costs of the advertisement for the subsequent meeting. This amount must be paid to the City prior to advertising the meeting. If the applicant desires to postpone/continue the case longer than three (3) month past the originally scheduled meeting, the applicant will be required to submit a new application.

9. An appeal which is not approved in accordance with Item 6 of this Article shall not be resubmitted to the Board of Zoning Appeals for a period of six (6) months, at which time the appellant shall institute a new form 05-06-04, latest revision, in accordance with Item 2 of this Article.

ARTICLE IV. MEMBERS

1. The Board shall be composed of five (5) duly appointed members.
2. A quorum shall consist of three (3) duly appointed members.

ARTICLE V. RECORDS

1. A file of all material and decisions relating to each case shall be kept by the Planning Division as part of the records of the Board of Zoning Appeals.
2. All records of the Board shall be a public record.

ARTICLE VI. AMENDMENT OF THE BY-LAWS

1. These By-Laws may be changed or amended only by a majority of the duly appointed members of the Board. Motions for amendment shall be presented only at a regular meeting of the Board and voted on at the following regular meeting.

This the 13th day of May 2008.



Chairperson



Secretary