

MOTION: BAILEY

**July 2, 2024
Regular Meeting
Ord. No. 24-48**

SECOND: BODDYE

RE: ZONING TEXT AMENDMENT #DPA2017-00025, MINOR CHANGES TO WRITTEN DETERMINATIONS TO UPDATE THE COUNTY CODE TO REFLECT CHANGES MADE TO THE CODE OF VIRGINIA BY CHAPTER 665 OF THE ACTS OF ASSEMBLY ENACTED BY THE GOVERNOR AND GENERAL ASSEMBLY DURING THE 2017 GENERAL SESSION - COUNTYWIDE

ACTION: APPROVED

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Prince William Board of County Supervisors (Board) may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, this zoning text amendment would amend the following section of the Zoning Ordinance:

- Section 32-900.20 regarding the appeal period for the Board of Zoning Appeals;

WHEREAS, on May 16, 2017, the Board adopted Resolution Number (Res. No.) 17-239, which initiated a zoning text amendment to address the above-referenced issue; and

WHEREAS, County staff recommends that the Board approve this Zoning Text Amendment for the reason stated in the staff report; and

WHEREAS, the Prince William County Planning Commission held a public hearing on the Zoning Text Amendment on May 8, 2024, recommending adoption as stated in Res. No. 24-063; and

WHEREAS, the Board duly ordered, advertised, and held a public hearing on July 2, 2024, at which time interested citizens were heard and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann.;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby adopts Zoning Text Amendment #DPA2017-00025, Minor Changes to Written Determinations, to update the County Code to reflect changes made to the Code of Virginia by Chapter 665 of the Acts of Assembly enacted by the Governor and General Assembly during the 2017 General Assembly Session.

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ATTACHMENT: Zoning Text Amendment

Votes:

Ayes: Angry, Bailey, Boddye, Franklin, Gordy, Jefferson, Vega, Weir

Nays: None

Absent from Vote: None

Absent from Meeting: None

ATTEST: _____

Andrea P. Madden

Clerk to the Board

Sec. 32-900.20. - Appeals.

The following provisions shall apply to appeals under this chapter:

1. The appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or other official charged with responsibility by this chapter for administering portions hereof. A written notice of a zoning violation or a written order of the Zoning Administrator shall include a statement that the notice of violation or written order shall be final and unappealable if not appealed within 30 days. ~~Such notice shall be sent by registered~~ The appeal period shall not commence until the statement is given and the zoning administrator's written order is sent by registered mail or certified mail to, or posted at, the last known address or usual place of abode of the property owner or it is registered agent, if any. There shall be a rebuttable presumption that the property owner's last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporate Commission. ~~of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records and shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.~~ An appeal shall be taken within 30 days after the decision appealed from, by filing with the Zoning Administrator and the board of appeals a notice of appeal specifying the grounds thereof, which shall be accompanied by a fee set by the Board of County Supervisors. The Zoning Administrator or other appropriate official shall forthwith transmit to the Board of Zoning Appeals copies of the papers constituting the record upon which the action was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Zoning Appeals or by a court of record, on application and on notice to the Zoning Administrator and for due cause shown.
2. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal, give public notice as required by section 32-700.60 of this chapter thereof, as well as due notice to the parties in interest, and decide the same within 90 days.
3. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of a quorum of its members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or other official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter. The chairman of the Board of Zoning Appeals, or in his absence, the acting chairman, may administer oaths and compel the attendance

of witnesses. The Board of Zoning Appeals shall keep minutes of its proceedings and other official actions which shall be filed in the Planning Office and shall be public record.

4. Upon filing an appeal to the Board of Zoning Appeals, a fee shall be paid in accordance with the fee schedule adopted by resolution of the governing body.

5. In any appeal taken pursuant to this section, if the board's attempt to reach a decision result in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

(Ord. No. 04-78, 12-21-04; Ord. No. 09-22, 4-21-09; Ord. No. 14-17, Attach., 4-15-14)