



Board of Zoning Appeals

Paul F. Chamberlin, Chairman
Lucy Beauchamp, Vice Chairman
Travis Goodman
Davon A. Gray
Clarence Hempfield, Jr,
Joseph R. Pasanello
Robert Perry, Jr
Jonathan N. Francis, Esq., Alternate
Rex Luzader, Alternate

AGENDA

Administrative Meeting

DATE: April 2, 2024

TIME: 1:15 PM

LOCATION: Conference Room 202B
Development Services Building
5 County Complex Court
Prince William, Virginia 22192

- 1. Call to Order/Roll Call**
- 2. Approve edits to the policy to permit Board of Zoning Appeals (BZA) members to participate via electronic communication means in BZA meetings from a remote location**
- 3. Adjournment**

APPENDIX A

January 22, 2024

[Res. No. 24-001](#)

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Notes

240122: The BZA approved this policy;

240207: The FOIA Council Sr. Attorney suggested minor edits in red on page 2.

[Prince William County Board of Zoning Appeals]

Policy Regarding

Meetings Held Through Electronic Communications Means

Reference: Code of Virginia § 2.2-3708.1, Code of Virginia § 2.2-3708.3

1. This policy shall be applied strictly and uniformly, without exception, to the entire membership of the Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. A member's request to participate remotely shall be subject to the approval of the BZA chairman (hereafter, chair) pursuant to the criteria in paragraph 3, below.
3. Prior to the day of a meeting (and ideally one week prior), a member of the public body – hereafter “BZA” – wishing to participate remotely shall notify the presiding officer (chair) that such member is unable to attend the meeting due to:
 - a. a temporary or permanent disability or other medical condition that prevents physical attendance,
 - b. a medical condition of a member of the member's family requiring the member to provide care that prevents the member's physical attendance;
 - c. the member's principal residence being more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. the member being unable to attend the meeting due to personal reasons, in which case the member shall identify with specificity the nature of the personal reason.
4. A member's participation from a remote location will only be approved if the member's voice is clearly audible to BZA members and citizens at the BZA meeting location (or such other location as specified in the notice of the meeting) and if the member can hear persons speaking into the microphones at the BZA meeting location (or other specified location).
5. If a member's participation from a remote location is disapproved because such participation would violate the policy set out in this resolution, such disapproval shall be recorded in the minutes with specificity. The member whose request has been disapproved by the chair may appeal to the BZA, which shall then vote to affirm or reverse the chair's decision. The results of this process shall be recorded in the meeting minutes.
6. Each member's remote participation due to personal reasons – per subsection 3.d, above – shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
7. A quorum of members participating in person must be physically assembled at the meeting location that was announced in the notice of the meeting.¹
8. The BZA shall record in its minutes all instances of remote participation, and the remote location from which

¹ Code of Virginia § 2.2-3708.1. Definitions. “Remote participation” means participation by an individual member of a public body by electronic communications means in a public meeting where a quorum of the public body is otherwise physically assembled.

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a member participates. The remote location need not be open to the public and may be identified in the minutes by a general description.

9. If participation is approved pursuant to subdivision 3.a. or 3.b. of this policy, the BZA shall include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3.c., the BZA shall also include in its minutes the fact that the member participated through electronic communication means due to the ~~reasons stated by the member~~ distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 3.d., the BZA shall also include in its minutes the specific nature of the personal matter cited by the member.

240122: The BZA approved this [template](#);
240207: The FOIA Council Sr. Attorney
suggested minor edits in red;
240220: Sharon suggested the fn3.

TEMPLATE

PRINCE WILLIAM COUNTY BOARD OF ZONING APPEALS

MEMORANDUM FOR THE RECORD

TO PERMIT A SPECIFIC REQUEST TO PARTICIPATE REMOTELY IN A BZA MEETING

ACTION:

/Users/Paul/Documents/Documents - Paul's
iMac/BZA/01_Reference/Bylaws/Active/2401222b_App B_Template.docx

WHEREAS, the Prince William County Board of Zoning Appeals (BZA) adopted a policy pursuant to Section 2.2-3708.3, VA Code Ann., to permit remote participation by BZA Members; and

WHEREAS, in accordance with BZA policy, _____ notified the BZA Chair that the Member requests permission from the BZA to participate electronically in the BZA's meeting on _____; and **the BZA chair approved the member's request stipulated below on**

WHEREAS, the Member certified that *(complete A or B, striking through criteria that do not apply)*:

A. _____, the Member, is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the Member's physical attendance¹ or a family member's medical condition requires the member provide care for such family member, thereby preventing the member's physical attendance²;

B. _____, the Member, is unable to attend the meeting due to the Member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting;³ or

~~B~~C. _____, the Member, is unable to attend the meeting due to the following specifically identified personal matter: _____; and the Member has **neither already participated electronically due to a personal reason for more than two meetings this calendar year¹ **nor** 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater;⁴ and**

WHEREAS, the remote location from which the Member plans to participate electronically is _____; and this remote location will/will not *(circle one)* be open to the public *(need not be open to the public)*; and

¹ Code of Virginia § 2.2-3708.3(B)(1)

² Code of Virginia § 2.2-3708.3(B)(2)

³ [Code of Virginia § 2.2-3708.3\(B\)\(3\)](#)

⁴ Code of Virginia § 2.2-3708.3(B)(4)

WHEREAS, the Member verifies that the Member’s participation in any closed session of the BZA meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and

WHEREAS, pursuant to the BZA’s policy,

1. A request for electronic participation from a remote location shall be approved by the BZA chair unless participation violates the BZA’s policy or any provisions of the Virginia Freedom of Information Act; and
2. The Prince William County Board of Zoning Appeals convened on _____ with the aforementioned member participating remotely through electronic communication means in accordance with the BZA’s policy; a quorum of the BZA was physically assembled at one primary or central meeting location; and arrangements were made for the voice of the Member to be heard by all persons at the primary or central meeting location; and
3. The minutes of the meeting shall include the particulars regarding the above.

For Information:
County Attorney

ATTEST: _____
Chair, Board of Zoning Appeals