

CODIFIED ORDINANCES OF BOLIVAR, WV  
Part 1 - Administrative Code

ARTICLE 133  
Board of Zoning Appeals

- 133.01 Membership
- 133.02 Organization, Rules, Staff & Finances
- 133.03 Powers and Duties

131.01 Membership

- (a) Number: The Board shall have five members to be appointed by the Council.
- (b) Requirements: The members of the Board must be:
  - (1) Residents of Bolivar for at least three years preceding her/his appointment;
  - (2) Cannot be a member of the Bolivar Planning Commission; and
  - (3) Cannot hold any other elective or appointive office in Bolivar municipal government.
- (c) Term: Upon the creation of a board of zoning appeals, the members shall be appointed for the following terms: One for a term of one year; two for a term of two years; and two for a term of three years. The terms shall expire on January 1, of the first, second and third year, respectively, following their appointment. Thereafter, members shall serve three-year terms.
- (d) Vacancies: If a vacancy occurs, the Council shall appoint a member for the unexpired term.
- (e) Alternate Members:
  - (1) The Council may appoint up to three additional members to serve as alternate members of the Board. The alternate members must meet the same eligibility requirements as set out in subsection 133.01(b) of this section. The term for an alternate member is three years. The Council may appoint alternate members on a staggered term schedule.
  - (2) An alternate member shall serve on the Board when one of the regular members is unable to serve. The alternate member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.
  - (3) The Board shall establish rules and procedures for designating an alternate member. An alternate member shall have the same powers and duties of a regular Board member.

131.02 Organization, Rules, Staff & Finances

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## Part 1 - Administrative Code

- (a) Meetings:
- (1) The Board shall meet quarterly and may meet more frequently at the written request of the chairperson or by two or more members.
  - (2) Notice for a special meeting must be in writing, include the date, time and place of the special meeting, and be sent to all members at least two days before the special meeting.
  - (3) Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.
- (b) Quorum: The Board must have quorum to conduct a meeting. A majority of the members of the Board is a quorum. No action of the Board is official unless authorized by a majority of the members present at a regular or properly called special meeting.
- (c) Officers: At its first regular meeting of each calendar year, the Board shall elect a chair and a vice chairperson from its membership. The vice chairperson shall have the power and authority to act as chairperson during the absence or disability of the chairperson.
- (d) Duties of Town Council: Council shall provide the Board with:
- (1) Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and
  - (2) Appropriate money to defray the reasonable expenses of the Board.
- (e) Compensation: The members and alternate members of the Board shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

### 131.03 Powers and Duties

- (a) Powers and Duties: The Board has the following powers and duties:
- (1) Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or board charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto;
  - (2) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the zoning ordinance;
  - (3) Hear and decide conditional uses of the zoning ordinance upon which the Board is required to act under the zoning ordinance;

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- (4) Authorize, upon appeal in specific cases, a variance to the zoning ordinance;
- (5) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the official or board from which the appeal was taken;
- (6) Adopt rules and regulations concerning:
  - (A) The filing of appeals, including the process and forms for the appeal;
  - (B) Applications for variances and conditional uses;
  - (C) The giving of notice; and
  - (D) The conduct of hearings necessary to carry out the Board's duties under the terms of this article;
- (7) Keep minutes of its proceedings;
- (8) Keep an accurate and complete audio record of all the Board's proceedings and official actions and keep the audio record in a safe manner, which audio record is accessible within twenty-four hours of demand, for three years;
- (9) Record the vote on all actions taken;
- (10) Take responsibility for the custody and preservation of all papers and documents of the Board. All minutes and records shall be filed in the office of the Board and shall be public records;
- (11) With consent from the Council, hire employees necessary to carry out the duties and responsibilities of the Board provided that the Council sets the salaries; and
- (12) Supervise the fiscal affairs and responsibilities of the Board.