

**BY LAWS**  
**OF THE**  
**TIPTON COUNTY BOARD OF ZONING APPEALS**

**ARTICLE I**

**AUTHORITY**

These by-laws are adopted under the authority of Tennessee Code Annotated and amendments thereto as set forth in Section 13-7-106 and Chapter XI of the Tipton County Zoning Resolution, which provides for the adoption of Rules and procedures.

**OBJECTIVES**

The objectives and purposes of the Tipton County Board of Zoning Appeals shall be set forth in Sections 13-7-106 through 13-7-109 and amendments and supplements thereto, and those powers and duties delegated to the Board of Zoning Appeals by the Chief Legislative Body in accordance with the above mentioned enabling legislation.

**ARTICLE II**

**MEMBERSHIP**

- Section 1.** The Tipton County Board of Zoning Appeals shall have five (5) members, and all members of the Board of Zoning Appeals shall reside within Tipton County.
- Section 2.** The members of the Board of Zoning Appeals shall be appointed by the Chief Executive Officer of the County.
- Section 3.** The term of each member shall be five (5) years. The members shall be appointed for terms of such length and so arranged that the term of one member expires each year.
- Section 4.** Vacancies shall be filled for an expired term by the Chief Executive Officer.
- Section 5.** Any member of the Board of Zoning Appeals with unexcused absences from three (3) consecutive meetings of the Board will be deemed to have resigned his or her position on the Board upon the effective date of the third meeting.

## **ARTICLE III**

### **OFFICERS AND THEIR DUTIES**

- Section 1.** The officers of the Board of Zoning Appeals shall consist of a Chairman and a Vice-Chairman, Secretary.
- Section 2.** The Chairman shall preside at all meetings and hearings of the Board of Zoning Appeals and have duties normally conferred by parliamentary usage on such officer. He/She shall be one of the appointive members of the Board and shall have the privilege of discussing all matters before the Board of Zoning Appeals and to vote thereon.
- Section 3.** The Vice-Chairman shall be one of the appointive members of the Board and shall act for the chairman in his/her absence.
- Section 4.** The Secretary shall keep the minutes and records of the Board of Zoning Appeals, certify documents acted upon by the Board, arrange proper and legal notice of hearings, attend to correspondence of the Board and such other duties as are normally carried out by the secretary or requested by the chairman.

## **ARTICLE IV**

### **ELECTION OF OFFICERS**

- Section 1.** Nomination of officers shall be made from the floor and officers shall be elected at an annual organizational meeting in the month of January. During this election process, a member of the staff personnel shall act as Chairman pro tem.
- Section 2.** The nominee for such office receiving a majority vote of the membership present shall be declared elected and shall take office immediately following the election.
- Section 3.** All officers shall be elected for a term of one (1) year and shall be eligible to succeed themselves. Vacancies shall be filled immediately for the unexpired term by the regular election procedure.

## **ARTICLE V**

### **STAFF PERSONNEL**

- Section 1.** The Board of Zoning Appeals may utilize the staff that is employed or appointed by Tipton County, which may include planners, engineers, building inspector and other persons as the Board deems necessary.
- Section 2.** The appointed professional planner shall review all matters, which are presented to the Board of Zoning Appeals and prepare written recommendations.
- Section 3.** The building inspector shall make his records available to the Board of Zoning Appeals on matters pertaining to the enforcement and administration of the Zoning Resolution and map.

## **ARTICLE VI**

### **MEETINGS**

- Section 1.** All meetings of the Board of Zoning Appeals shall be held on the fourth Monday of each month at 5:00 p.m. at the Tipton County Justice Building or such other place and time, as shall be designated in advance by the chairman. The Board of Zoning Appeals meeting shall be open to the public.
- Section 2.** Meeting of the Board of Zoning Appeals shall give at least five (5) days notice of the time, place and purpose of which shall be published at least once in a newspaper of general circulation in the county.
- Section 3.** A majority of the entire membership of the Board of Zoning Appeals shall constitute a quorum. A quorum shall be present before any business is transacted. In the event of a vacancy on the Board, a majority of the members still acting shall constitute a quorum.
- Section 4.** A record of the vote of each member on every appeal shall be kept as part of the minutes.
- Section 5.** Except as set forth herein, Robert's Rules of Order shall prevail as to any matters of procedure.

Section 6. At all meetings, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have personal interests in the appeal before the Board, this member shall disclose the interest and be disqualified from voting upon the appeal.

Section 7. An affirmative vote of a majority of the members attending the meeting is necessary for approval of any appeal and in the event that a majority of those present at the meeting shall not vote affirmatively on an appeal, the appeal shall be deemed as not approved.

## **ARTICLE VII**

### **PROCEDURE**

Section 1. A property owner or applicant must make a written application to have a case heard by the Board of Zoning Appeals.

Section 2. The applicant or property owner is responsible for paying all applicable fees for placement on the agenda and costs of publishing the public notice in the newspaper.

Section 3. An agenda of matters and accompanying documents to be presented at the meeting shall be prepared by the Staff Personnel and mailed to the members of the Board of Zoning Appeals prior to the scheduled meeting. The building inspector will assist the Staff Personnel in preparing the materials for the agenda.

Section 4. The Board of Zoning Appeals meeting will follow the format outlined below:

- I. Establishment of a Quorum and Call to Order
- II. Approval of Minutes
- III. Old Business
- IV. New Business
  - A. Location of Property
  - B. Applicant's Request
  - C. Staff Recommendations
  - D. Applicant's Presentation
  - E. BZA Questions and Discussion
  - F. Motion and Vote on Request
- V. Other Business
- VI. Adjournment

- Section 5.** All Board of Appeals decisions shall be made in accordance with the powers specified in Chapter XI, Section 11.04 of the Tipton County Zoning Resolution.
- Section 6.** If neither the petitioner on the application nor his representative is present when the Board of Appeals is to consider his case, consideration will be put off until the appeal is rescheduled by the chairman. Deferral or consideration shall continue until the applicant or his representative is present to explain his petition or application to the board and to answer any questions concerning the appeal. After one (1) deferral, the petitioner or representative shall have to resubmit materials and pay all applicable fees to be placed on the agenda again for consideration.
- Section 7.** The proponents of any matter to be presented to the Board shall be granted not more than 15 minutes to present any matter to the Board upon the first presentation and any additional comments will be limited to five (5) minutes. These time limits shall apply to each petition or application that is before the Board.
- Section 8.** All votes shall be voice votes and shall be recorded by the secretary and kept in the official minutes of the meeting.
- Section 9.** The minutes of the meeting shall be official acts of the Board of Appeals and any change therefore in any correspondence shall not be valid.
- Section 10.** The Secretary shall be the person responsible for the correctness of all minutes, although the actual taking of the minutes may be delegated to another person.
- Section 11.** Upon the hearing of an appeal, the Board of Appeals will have forty five (45) days from the date of the hearing to render a decision.
- Section 12.** The Staff Personnel will notify all applicants in writing of the determination reached by the Board on each particular application, if requested.

## **ARTICLE VIII**

### **FILING**

- Section 1.** All matters to be presented to the Board of Appeals shall be filed at the Tipton County Building Inspector's Office with the pertinent information provided as required on the application form.

**ARTICLE IX**

**CONFLICT OF INTEREST**

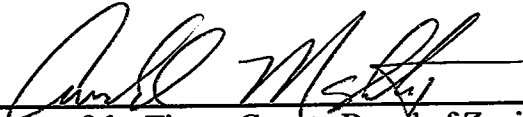
- Section 1.** Any member shall disqualify himself from any participation in the discussion of or voting on any matter on the meeting agenda in which he has a direct or indirect personal interest.
- Section 2.** The member shall vacate his seat during deliberation on any matter from which he has disqualified himself. The member shall not be replaced for the vote.
- Section 3.** A member who is disqualified shall not be counted as present for a quorum for that particular vote, thereby reducing the necessary number of affirmative votes required to approve a motion.
- Section 4.** The burden of revealing any such conflict rests with individual members of the Board of Zoning Appeals.


**ARTICLE X**

**ADOPTION AND AMENDMENT**

- Section 1.** These by-laws herein shall be in full force and effect at the first meeting and all subsequent meeting following the adoption of this document by a majority vote of the entire membership of this Board.
- Section 2.** These rules may be amended by a two-thirds majority vote of the entire membership of the Board of Zoning Appeals at any time by placing on the agenda of any advertised meeting, an item for their amendment of by a special meeting called for that purpose as set forth herein.

Adopted 20<sup>th</sup> day of December, 2004

  
Chairman of the Tipton County Board of Zoning Appeals

**ATTEST:**  
  
Secretary of the Tipton County Board of Zoning Appeals