



## Board of Zoning Appeals Administrative Rules and Procedures

(Adopted by City Council - February 23, 2021 / Approved by the BZA - January 21, 2021)

1. Except as otherwise specifically provided by the rules adopted herein, meetings of the City of Knoxville Board of Zoning Appeals (“Board”) shall be governed by Robert’s Rules of Order.
2. The agenda for each meeting shall be prepared by the Board secretary or a designee selected by the Zoning Administrator and delivered to each member not less than four (4) days before the meeting at which it will be considered. In the event of a special meeting of the Board, the notice of the meeting shall contain the agenda for the meeting and shall specify the matters to be considered at the meeting and shall be delivered to each member as soon as practical prior to the meeting.
3. Proposals and applications to be heard at a monthly Board meeting shall be submitted by the second Thursday of the preceding month.
4. *Secretary of Board.* The Zoning Administrator or his/her designee shall act as secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.
5. At its first regular meeting in January of each year, the committee shall elect one of its members to serve as chairperson and another as vice-chair. The chairperson and the vice-chair shall serve a term of one year or until a successor is elected.
6. *Public Meeting.* The monthly public meeting of the Board shall be conducted in the order of the meeting agenda, which shall be prepared in advance, and approved by the Board at the public meeting.
7. *Quorum.* A majority of all members appointed shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The affirmative vote of a majority of the members appointed to Board shall be necessary for any action of the Board, except as otherwise provided.
8. *Voting.*
  - a. All Board votes shall be taken by aye and nay and entered upon the minutes of record.
  - b. Upon consideration of any matter, the chairperson shall call for roll call upon the request therefore by the members of the Board.
  - c. If a member abstains from voting on any matter, such action shall be considered a neutral vote and such abstention shall not be considered for any purpose other than the presence of a quorum.
  - d. At any Board meeting at which a quorum is present, matters presented to Board as part of the agenda shall be presumed to have been considered on their merit regardless of the vote of the Board and whether or not a minimum of five (5) votes were cast in favor of or against the motion or issue.
  - e. If the Board’s vote results in a tie, the motion shall fail. In the event of a tied vote, the Board shall not be required to continue the item for consideration at a future meeting.

9. *Discussion and Debate.* At the monthly public meeting, the Board shall consider the views of the applicant and other interested parties, staff reports and recommendations, and the standards set forth in the Knoxville City Code, Appendix B, Zoning Regulations and all applicable plans and formal policy statements. Each matter on the agenda will be considered in the following order:
  - a. Staff recommendations (questions allowed)
  - b. Proponents (questions allowed)
  - c. Opponents (questions allowed)
  - d. Rebuttals
  - e. Discussion among Board Members
  - f. Motion
  - g. Second
  - h. Discussion among Board Members
  - i. Vote
10. *Order of Debate.* Members of the public may address the Board and the following procedures shall be observed:
  - a. Each person shall be permitted to speak for five (5) minutes and shall not have more than one time to speak, except that the chairperson may allow two (2) minutes to the proponent for rebuttal.
  - b. When a number of persons desire to speak to an issue, each side shall be limited to three (3) speakers and a maximum speaking time of fifteen (15) minutes. Persons desiring to speak may request the Board to extend the time limit and/or the maximum number of speakers.
  - c. The Board may extend the number of speakers or the time allowed for speakers by a vote of the majority of the Board, or set a public hearing on the matter.
  - d. All discussion should be restricted to facts that are pertinent to the variance request before the Board today.
  - e. All speakers and members of the audience and Board shall remember that the meeting is a Board meeting. All persons are to show proper respect to each other and shall maintain the proper decorum in the meeting at all times. Persons who fail to observe the rules as to proper decorum shall not be permitted to speak and may be removed from the meeting.
11. *Postponement.* Postponements of an application for any proposal for Board action may be permitted as follows:
  - a. Every motion to postpone action on an application shall include the date of the monthly public meeting at which the application will again be considered.
  - b. An applicant may postpone an item until the next scheduled public meeting the first time it appears on the Board agenda without Board debate or action. The intent to postpone must be submitted in writing, or by email to [bldginspections@knoxvilletn.gov](mailto:bldginspections@knoxvilletn.gov), and received by the Board no later than 4:30 p.m. on the day immediately prior to the Board meeting at which the application is scheduled to be heard. Any request received after this deadline must be acted upon by the Board consistent with these administrative rules and procedures.
  - c. Applications postponed as described in Section 10b may not be returned to the agenda until the meeting to which they have been postponed.

12. The Board shall vote to approve or deny all items within 95 days from the date of the Board meeting when the item was first set on the agenda. Failure by the Board to approve or deny the item within 95 days means that the application was denied without prejudice.
13. Conflict of Interest. A Board member shall not act in a case in which he/she has a personal, financial, or other interest and shall recuse himself/herself from all participation when the matter is formally presented to the Board for consideration. Any Board member who has been recused shall immediately leave the room or shall be seated with the other members of the public who are present. The recused board member shall not give testimony in favor or in opposition of an application being considered by the Board. Once the matter has been concluded, the member shall be reseated with the Board.
14. The Board will periodically review and recommend changes to these Administrative Rules.