

Building Board of Appeals and Adjustment
City of Columbia, SC

RULES OF PROCEDURE

1. PURPOSE

The purpose of these Rules is to provide for the orderly disposition of the business of the Building Board of Appeals and Adjustment by codifying the means by which that business is transacted.

2. AUTHORITY

These Rules are adopted pursuant to the authority vested in the Board by Section 112 of the 2006 International Building Code as adopted by the City of Columbia Code of Ordinances, Section 5-51.

3. APPLICATION

- (A) Any person directly affected by a decision of the Code Official or notice or order issued under this Code shall have the right to appeal to the Board, provided that a written application for appeal is filed within 20 days after the decision, notice or order was served.
- (B) The appeal shall be on a form (application) provided for that purpose by the Department of Planning and Development Services. All appeals must be accompanied by the signed application and any supporting documentation necessary to present the appeal case and any fees required for the application.
- (C) Each appeal will be assigned a number by the Secretary of the Board.
- (D) An application for appeal shall be based on a claim that the true intention of this Code or the Rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause an undue hardship.

4. **WITHDRAWAL: FAILURE TO APPEAR**

- (A) An Applicant may withdraw an application at any time prior to the meeting. Withdrawal must be in written form by letter or electronic means.
- (B) The withdrawal of an application by the Applicant shall forfeit the right to appeal the decision of the Code Official.
- (C) In any case where the Applicant has failed to appear, the Board may continue to hear the case in the absence of the applicant. Any and all decisions of the Board will stand.

5. **CONFLICT OF INTEREST**

- (A) Any member of the Board who has a direct or indirect interest in any property that is the subject matter of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, and/or proceedings of the Board in connection with that appeal.
- (B) Any Board member who may have an interest in the issues in a given case shall publicly state that fact on the record at the commencement of the meeting so that the Applicant, Secretary, or a member of the Board might object to his/her further participation in the case.
- (C) It shall be the policy of this Board that no member shall discuss the merits of any pending case with any person having an interest in the case prior to the meeting. Any interested party wishing to provide written information to the Board prior to the meeting (including electronic communications) must place such information in the public record through the staff of the Board prior to providing such information to Board members.

6. **PROCEDURE**

- (A) All meetings of the Board shall be open to the public.
- (B) Meetings shall be scheduled for 10:00 AM every fourth Wednesday of each month unless otherwise scheduled by the Board. When meeting dates conflict with holidays, the

Secretary of the Board may schedule the meeting for the following Wednesday. If there are no appeals or any other business for the Board two weeks prior to a scheduled meeting, that meeting shall be canceled.

- (C) The presence of four members of the Board shall constitute a quorum. A quorum must be present to vote on any case.
- (D) The witnesses appearing before the Board shall not be required to testify under oath. If it is determined that false information has been presented to the Board, the Board has the right to reconsider their decision.

7. **MEETING**

- (A) Unless otherwise decided by the Board, appeals shall be heard in the order of receipt of the application.
- (B) The Board shall base its decision only on information presented in the meeting; however, a board member may visit a site that is the subject of an appeal to gather information, provided said visit shall be disclosed in the meeting and the information obtained by such visit is shared with the other members of the Board during the appeal.
- (C) Each case shall be introduced by the Secretary, including:
 - (1) A brief explanation of why the case is before the Board;
 - (2) Distribution of any written information and exhibits related to the case.
- (D) After the Secretary's introduction the Applicant shall present the appeal, including:
 - (1) The Applicant's name;
 - (2) A statement of why the Applicant believes the appeal should be granted;
 - (3) Any witnesses in support of the application.

- (E) After the Applicant's presentation anyone may make a presentation in opposition to the appeal. The presentation shall include:
 - (1) The opponent's name;
 - (2) A statement of why the opponent believes the appeal sought should not be granted;
 - (3) Any witnesses in opposition to the application.
- (F) Any member of the Board may directly question any witness appearing before the Board at any time during testimony.
- (G) All exhibits presented to the Board for consideration by a witness must be submitted and made a part of the record unless the Board otherwise deems it unnecessary. (COMMENT: All bulky exhibits must be photographed by the person presenting exhibit and submitted on a suitable size for the permanent file. In addition to printed copies dispersed at the meeting, the Secretary may require copies in digital media format of all information presented at the meeting from the applicant or opposition.)
- (H) The chairperson is authorized to place time limits on the presentation of information and exhibits in any and all cases.

8. **CASE DECISIONS**

- (A) Upon the conclusion of each case the Board shall discuss and vote on that case. All members eligible to participate shall vote. After discussion by the members and upon motion, an application shall be granted or denied if it receives the majority vote for approval or denial.
- (B) In any decision made by the Board on an application:

- (1) The Board shall indicate the specific section of the Code under which the appeal is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare."
- (2) In cases pertaining to hardship the Board shall specifically identify the hardship warranting such action.

9. **COURT REVIEW**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a "writ of certiorari" to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

10. **RECORDS**

- (A) Minutes. The Secretary shall prepare minutes for each meeting for approval by the Board. Minutes shall be maintained as public records.
- (B) Records and Copies. The Secretary shall assist in the preparation of all records of the Board including notices, correspondence, and documentary evidence. Copies of such shall be maintained as public records.

11. **ABSENCE OF A RULE**

When an issue arises that is not specifically covered by these rules, the Board will be governed by Robert's Revised Rules of Order.

12. **SPECIAL MEETINGS**

A special meeting may be called by the Chairperson or upon the written request of two or more members of the Board. The Secretary shall deliver written notification of the time, place, and purpose of the meeting to each member of the Board at least five days prior to the meeting. At a special meeting only the business designated as the purpose of the meeting may be transacted. Appeals may not be heard at the special meeting.

13. ELECTION OF OFFICERS

- (A) The Board shall elect from its regular members a chairperson and a co-chairperson, who shall serve for two (2) years. Elections are held in July. If a regular appeal meeting is not held in July, the election is postponed until the first regular appeal meeting thereafter.
- (B) A majority of voting members present shall be required to elect a member to the position.
- (C) The chairperson, co-chairperson or regular member, in descending order, shall preside at meetings of the Board.

14. BOARD CONSTITUTION

- (A) Membership of the Board shall consist of five regular members and two alternate members.
- (B) Four members of the Board constitute a quorum.
- (C) In the absence of one or more regular members or when one or more regular members are disqualified on an appeal, alternate members shall substitute for regular members. When necessary, the Secretary shall determine which alternate members serve.
- (D) Alternate members may attend meetings and participate in discussions but do not vote unless substituting as a regular member.

15. AMENDMENTS

These Rules may be amended at any regular or special meeting of the Board by a majority vote of a quorum, provided all members have been notified of the amendment at least ten (14) days prior to the meeting.

16. INTERPRETATION OF THE BOARD'S RULES

- (A) The Board is the final authority as to the meaning of these rules.

(B) The Board may, from time to time, make an exception in these rules for extraordinary cases, setting out the reasons therefore.

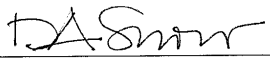
17. FILING AND EFFECTIVE DATE

These rules shall become effective, after adoption, upon the filing of these rules with the City Clerk.

18. REPEAL OF PREVIOUS RULES OF PROCEDURE

Any other Rules of Procedure previously adopted by this Board are hereby repealed.

APPROVED AND ADOPTED ON THIS 28th DAY OF March, 2012.


CHAIRPERSON


SECRETARY

Revised 03/13/12