

Board of Zoning Appeals Rules of Procedure

Article I Organization

Section 1. Rules. These rules of procedure are adopted pursuant to S.C. Code § 6-29-780 for the Town of Summerville Board of Zoning Appeals which consists of five members appointed by Council.

Section 2. Officers. The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board in each calendar year. A member of the staff shall serve as secretary of the Board.

Section 3. Chairman. The chairman shall be a voting member of the Board and shall:

- Call meetings of the Board;
- Preside at meetings and hearings;
- Act as spokesperson for the Board;
- Sign documents for the Board;
- Transmit reports and recommendations to Council; and
- Perform other duties approved by the Board.

Section 4. Vice-Chairman. The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 5. Secretary. The secretary shall:

- Provide notice of meetings;
- Assist the chairman in preparation of agenda;
- Keep minutes of meetings and hearings;
- Maintain Board records as public records;
- Attend to Board correspondence in accordance with policies of the Town of Summerville and its Town Council; and
- Perform other duties normally carried out by a secretary.

Section 6. Training. All appointed members shall participate in required training per SC Code § 6-29-1310 in order to maintain membership on the Board for the appointed term.

Article II Meetings

Section 1. Time and Place. An annual schedule of regular meetings shall be adopted, published and posted at the Planning office in December of each year. Special meetings may be called by the chairman upon 24 hours' notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public. The Board shall hold a public meeting within 30 days of receiving a written application and public notice shall be given at least 15 days prior to this meeting with the posting of a sign on the property visible from each street that borders the

property and with a notice in a general circulation newspaper in the community advertising the request and soliciting public input.

Section 2. Agenda. A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least 24 hours prior to each regular meeting, and at least 24 hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

Section 3. Quorum. A simple majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. Rules of Order. Robert's Rules of Order Newly Revised, latest edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5. Voting. A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Section 6. Conduct. Except for public hearings, no person shall speak at a Board meeting unless invited to do so by the Board.

Article III Public Comment

Section 1. Notice. The secretary shall give the notice required by statute or ordinance for all meetings conducted by the Board. Members of the public desiring to be heard shall register with the secretary prior to being recognized by means of a sign in sheet at the meeting.

Section 2. Procedure. In matters brought before the Board which were initiated by an applicant, the applicant, his agent or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five minutes without consent of the Board. All questions shall be posed by members of the Board. The Chairman shall strive to maintain order during any comment period and discourage comments and / or discussion between any applicant, their agent or attorney and any member of the public desiring to make comment. All comments by the public shall be addressed to the Board. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Board shall determine.

Article IV Records

Section 1. Minutes. The secretary shall record all meetings and hearings of the Board on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

Section 2. Orders. The secretary shall assist in the preparation and forwarding of all Orders of the Board in appropriate form. Copies of all notices, correspondence in accordance with policies of the Town of Summerville of its Town Council, orders and forms shall be maintained as public records.

Section 3. Attendance. The minutes shall show the members in attendance at each meeting. The Board may recommend to the governing body the removal for cause of any member who is absent from three consecutive meetings.

**Article V
Review Procedure**

Section 1. Administrative Review. The Board may hear and decide appeals where it is alleged the zoning administrator, in writing, erred in an order, requirement, decision or determination. In such cases, the Board may reverse or affirm, wholly or in part, the zoning administrator's decision. The Board has all the powers of the zoning administrator in such cases and may direct the issuance of a permit (for zoning purposes only).

Section 2. Variances. The Board has the power to hear and decide requests for variance when a strict application of the zoning ordinance would cause an unnecessary hardship by applying the standards for extraordinary conditions, other property, utilization, and detriment. The Board may attach conditions to a decision regarding the granting of a variance. The Board does not have the authority to grant a 'use' variance or rezone property.

Section 3. Special Exception Permits. The Board has the power to grant special exception permits in accordance with the Town's zoning ordinance.

Section 4. Appeals. Appeals of any decision by the Board shall be filed with the Circuit Court as required by SC Code §6-29-780 and Town Council Code of Law, Chapter 32, Article II, Administration and Enforcement.

**Article VI
Adoption and Amendment**

Section 1. Amendment. These rules may be amended at any regular meeting Of the Board by a majority vote of the members of the Board at least seven days after the written amendment is delivered to all members.

Section 2. Adoption. These rules were adopted by a vote of a majority of the members of the Board at a regular public meeting on ~~Jan 12~~ Feb. 12, 2013

Attest:


Secretary


Chairman