

BEAUFORT COUNTY BOARD OF ADJUSTMENTS AND APPEALS
FOR BUILDING AND DEVELOPMENT APPEALS

RULE OF PROCEDURES

The Beaufort County Board of Adjustments and Appeals for Building and Development and Appeals (herein "The Board") was established by the County Council of Beaufort County South Carolina, by its Ordinance 89-9 (General Template). The adopted Template Ordinance empowers the Board to establish rules and regulations for its own procedure not inconsistent with the Standard Codes, National Electric Code, Development Standard Ordinance, Sign Ordinance, Flood Damage Control Ordinance, Electrical Licensing Ordinance, Barrier Free Design Standards and other applicable Ordinances adopted by the County or Mandated by the State Or Federal Government.

Section I. Officers and Duties - The Board at its first meeting in January of each year shall elect a Chairman and Vice Chairman.

- A. Chairman - A Chairman shall be elected by the voting ^{two} members of the Board. His term shall be for one year, and his succession in office shall be limited to three years after which time he cannot be re-elected until after a one year period. The Chairman shall preside at all meetings of the Board and decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board.
- B. Vice Chairman - A Vice Chairman shall be elected by the Board from among its members in the same manner and for the same term as the Chairman. He shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same power and duties as the Chairman. The Vice Chairman shall succeed the Chairman if he vacates his office before his term is completed, the Vice Chairman to serve the unexpired term of the vacated office. A new Vice Chairman shall be elected at the next regular meeting.

- G. Deadline for Agenda - the deadline for filing for placement on the agenda for any appeal or variance request shall be fifteen (15) working days prior to consideration by the Board.
- H. Vote - The concurring majority vote, by secret ballot, by members of the Board shall be necessary to affirm or reverse any action, order, requirement, decision, or determination of the Building Official, Development Review Committee or the DSO Administrator.
- I. Conflicts of Interest - Any member of the Board who shall feel he has a conflict of interest on any matter that is on the Board agenda shall voluntarily excuse himself, vacate his seat, and refrain from discussing and voting on said item as a Board member. (Per accordance with Template Ordinance)

Section III. Amendments

These rules may be amended at any time by an affirmative vote of not less than six (6) members of the Board, provided that such amendment shall have first been presented to the entire membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Section IV. Procedure for Presentation of an Appeal

At the discretion of the Chairman, the appellant will first be given a maximum of ten (10) minutes to present his appeal; the respondent will then be given a maximum of ten (10) minutes to present his response. The appellant will then be allowed an additional five (5) minute rebuttal followed by an additional five (5) rebuttal from the respondent. Proponents and opponents will be given a maximum of ten (10) minutes to present their views and opinions. The Board reserves the right to require that written briefs and/or proposed findings of fact and conclusions of law be submitted. The Board may go into executive session for deliberation on matters covered under the South Carolina Freedom of Information Act.

All members of the public will address the Board through its Chairman except that the Chairman may open the meeting to dialog between members of the Board and members of the public to enhance the free exchange of information. In this event, the Chairman must first recognize the member of the public wishing to enter into such dialog and shall do so, without exception, when so requested by another member of the Board.

In the event of a challenge to the manner in which a meeting is being conducted, the ruling of the Chairman, after consulting with the other members of the Board, shall be binding.

- C. Secretary - The Building Official shall be the Secretary to the Board and shall be responsible for taking of applications, notification of meetings, taking and maintenance of minutes, and any other necessary staff support.

Section II. Meetings

- A. Regular Meetings - The Board shall meet regularly in County Council Chambers at 6:00 pm, local time, on the third Tuesday of each month unless advised by its Secretary that there is no business to be conducted. The Board shall also meet within ten (10) days after receipt of an appeal by the Building Official or the County Administrator if, in the case of such appeal, the appeal states that time is of the essence.
- B. Special Meetings - Special meetings of the Board may be called at any time by the Chairman. At least twenty-four (24) hours notice of the time and place of the special meetings shall be given by the Chairman to each member of the Board, provided that this requirement may be waived by action of a majority of all members.
- C. Cancellation of Meetings - Whenever there is no business for the Board, the Chairman will dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.
- D. Notification of Absence - Each member of the Board who has knowledge of the fact that he will not be able to attend a scheduled meeting shall notify the Secretary at the earliest possible opportunity and, in any event, prior to 5:00 pm on the day before the meeting. The staff shall notify the Chairman in the event that the projected absence (s) will produce a lack of quorum.
- E. Quorum - A quorum shall consist of majority members of the Board.
- F. Conduct of Meetings - All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) note of quorum; (b) reading of minutes of previous meeting; (c) unfinished business; (d) new business; (e) citizen comments. A copy of the agenda shall be published once in a local newspaper at least five (5) days prior to the meeting.