

**Board of Zoning Appeals
Rules of Procedure
City of Anderson**

**Article I
Organization**

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the City of Anderson Board of Zoning Appeals which consists of 7 members appointed by the City of Anderson City 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 Board year, July 1 – June 30. The Board shall appoint a member of the staff of the City as secretary of the Board.

Section 3. Chairman

The chairman shall be a voting member of the Board and shall:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings; and swear in witnesses;
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Have orders of the Board served on parties; and
- f. 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:

- a. Provide and publish notice of appeals and meetings;
- b. Assist the chairman in preparation of agenda;
- c. See that property involved in appeals for variances or special exceptions is properly posted.
- d. Keep recordings and minutes of meetings and hearings;
- e. Maintain Board records as public records;
- f. Serve Board decisions on parties;
- g. Attend to Board correspondence; and
- h. Perform other duties normally carried out by a secretary.

Article II Meetings

Section 1. Time and Place

An annual schedule of regular meetings shall be adopted, published and posted at the designated City 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.

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 five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

Section 3. Quorum

A 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 shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Article III Appeals Procedure

Section 1. Form of Appeals

Appeals from administrative decisions, applications for variances, and applications for special exceptions shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Section 2. Time for Appeal

An appeal from an administrative decision must be filed within fifteen (15) days after actual notice of the decision by delivery of the approved appeal form to the secretary of the Board who shall notify the official appealed from.

Section 3. Calendar

Appeals and applications shall be marked with date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

Section 4. Withdrawal of Appeal

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be refiled after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances and special exceptions may be refiled after six (6) months and shall be placed on the calendar according to the date refiled.

Section 5. Continuances

The hearing of an appeal or application may be continued one time by the Board for good cause shown.

Section 6. Notice

Public notice of a hearing of the Board shall be published in a local newspaper and posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

Article IV Hearing Procedure

Section 1. Appearances

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

Section 2. Witnesses

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The Board may call its own witnesses when deemed appropriate.

Section 3. Cross-examination

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

Section 4. Evidence

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 5. Conduct of Hearing

The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman or secretary);
- b. Presentation by staff;
- c. Presentation by applicant (5-minute limit);
- d. Presentation by opponents (5-minute limit);
- e. Rebuttal by applicant (3 minute limit);
- f. Unsworn public comment when appropriate;
- g. The Board may question participants at any point in the hearing;
- h. Matters in which additional time is granted may be moved to the end of the agenda.

Section 6. Disposition

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public.

Section 7. Form of Order

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

Section 8. Service of Order

The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

Section 9. Rehearing

The Board may grant a rehearing of an application which has been dismissed or denied upon request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence of clerical error or mutual mistake of fact affecting the outcome.

Article V 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 and Documents

The secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

Section 3. Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who has not attended at least 60% of the meetings in the previous twelve months or is absent from three (3) consecutive meetings without adequate reason.

**Article VI
Adoption and Amendment**

Section 1. Adoption

These rules were adopted by vote of a majority of the members of the Board at a regular public meeting on June 24, 1999.

Section 2. Amendment

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board at least seven (7) days after the written amendment is delivered to all members.