

A RESOLUTION

TO APPROVE THE BYLAWS OF THE CONSTRUCTION AND MAINTENANCE BOARD OF ADJUSTMENTS AND APPEALS OF THE CITY OF GREENVILLE.

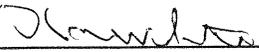
WHEREAS, City Council prescribed by Ordinance No. 97-06 that all municipal boards and commissions should establish bylaws meeting certain criteria; and

WHEREAS, the City's Construction and Maintenance Board of Adjustments and Appeals has prepared certain bylaws in accord with that Ordinance and presented the bylaws for the consideration and approval of City Council; and

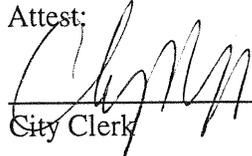
WHEREAS, in accordance with the Ordinance, the City Attorney has reviewed the bylaws and advises City Council that the bylaws comply with the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that the bylaws of the City of Greenville's Construction and Maintenance Board of Adjustments and Appeals, attached as an exhibit to this resolution and incorporated by reference, are approved.

RESOLVED THIS 10TH DAY OF JULY, 2000.



Mayor

Attest:


City Clerk

BY-LAWS FOR THE CITY OF GREENVILLE
CONSTRUCTION AND MAINTENANCE BOARD
OF ADJUSTMENTS AND APPEALS

The following rules and procedures were adopted by the City of Greenville's Construction and Maintenance Board of Adjustments and Appeals and are in effect indefinitely.

I. OFFICERS

- A. The Board shall annually elect a Chairman and Vice Chairman at the first regular meeting in a calendar year. The term of each shall be one year.
- B. The Chairman or, in his absence, the Vice Chairman shall preside at Board meetings. In the absence of both, the most senior member present shall preside.
- C. The presiding officer may call special meetings, administer oaths and compel the attendance of witnesses. The presiding officer shall maintain order at all meetings.
- D. The Building Codes Administrator, or designee, shall be the staff liaison and shall act as Secretary for the Board, keep minutes, see that the minutes are filed in city offices, and provide any necessary staff assistance.

II. MEETING PROCEDURES

A. Scheduled and Unscheduled Meetings

- 1. Meetings of the Board are scheduled for the second Tuesday of each month and shall also be held at the call of the presiding officer or at such other times as the Board may determine.
- 2. Unless an emergency meeting, all special meetings require at least 72 hours prior notice to interested parties.
- 3. The Board shall give written notice by the U.S. Mail to the appellant. Such notice shall contain the date, place and time of the public hearing, and notice of the stipulation set forth in Section II. E-3, of these by-laws.

4. A notice and agenda shall be posted on the bulletin board in the lobby of City Hall at least twenty-four (24) hours prior to any meeting.
5. Meeting is defined as the convening of a quorum of the Board members.

B. Quorum and Voting

1. A simple majority of the Board constitutes a quorum.
2. All members present, including the presiding officer, shall vote and not abstain from voting unless a conflict of interest is claimed. If a conflict of interest is claimed, the member claiming such conflict shall state the conflict for the record, and complete a Statement of Potential Conflict of Interest form.
3. Whenever a quorum is not present at a scheduled meeting, the members present shall not take official action other than to adjourn. However, business matters may be discussed.
4. The concurring vote of the majority of Board members present, but no less than five (5), shall be necessary to reverse any order, requirement, decision, or determination of the official whose order, requirement, decision, or determination is being appealed.
5. The Board may postpone voting on an application to a later time designated at the time of deferral.
6. No member of the Board shall vote on an application unless he was in attendance at the public hearing thereon.
7. The rules contained in Robert's Rules of Order, Newly Revised, shall be used as a reference by the Board in all cases in which they are applicable.
8. On all appeals, roll call vote shall be taken by the Secretary.
9. No absentee or proxy voting is permitted.

10. A sitting Board member shall not be involved in making or assisting in the making of any presentation or application to the Construction and Maintenance Board of Adjustments and Appeals on any application that comes to the Board.

C. Attendance Requirements

1. Members shall be subject to the minimum attendance requirements set by the City Council for boards and commissions and shall report in advance to the staff liaison any anticipated absence as otherwise required by ordinance. Any Board member who does not comply with attendance requirements set by City Council shall be removed from the Board and the position declared vacant by City Council, who shall fill the position as set out in the City Code.
2. The staff liaison shall maintain a record of attendance for each committee member. The staff liaison of the Committee shall be responsible for notifying the City Clerk of any member who violates the attendance requirements.

D. Ethics

All Board members shall be subject to the provisions of the South Carolina State Ethics Act and the City of Greenville Code of Ethics.

E. Appeals to the Board

1. To appeal a decision, the applicant must apply for a hearing before the Board within 30 days of notification of the action being appealed, unless a shorter time is prescribed in the technical code under which such action was taken, and shall be accompanied by a fee, if any, as fixed from time to time by City Council.
2. Applications for appeal shall be in writing, shall state the grounds therefor, and shall be filed with the Building Codes Administrator, or designee, at least three weeks prior to the next regularly scheduled Board meeting; otherwise consideration shall be deferred until the following meeting.

3. Board members shall not discuss the merits of an appeal prior to the public hearing.
4. At the beginning of each meeting, the Secretary, upon the request of the presiding officer, shall address the following question to the sitting members of the Board: "Does any member present of the Construction and Maintenance Board of Adjustments and Appeals have any conflict of interest regarding any item on the agenda before you at this meeting that would prevent you from being able to render a fair and impartial decision as to that issue?"

Any member of the Board claiming a disqualification as to one or more issues on the agenda shall make such conflict(s) of interest known as set out in Section II. B. 2 of these by-laws.

F. Order of Procedure for Meetings

The order of procedure for all meetings of the Construction and Maintenance Board of Adjustments and Appeals shall be as follows:

1. Presiding officer shall call the meeting to order and request Secretary to call roll of Board members.
2. Board shall make necessary changes, if any, to the minutes of the last meeting, and shall approve same.
3. Presiding officer shall ask the Secretary to address the question set out in Section II.E.4 of these by-laws to the Board. Any conflict(s) of interest claimed by any Board member shall be made known at this time.
4. Presiding officer shall point out to those assembled that any party may appear on an agenda issue before the Board in person, or by agent, or by attorney.
5. Presiding officer shall request the Secretary to make a staff presentation regarding each issue on the agenda, as such issue is considered.

6. Presiding officer shall allow an applicant to make a presentation to the Board of not more than five minutes. The presiding officer may extend such time if he/she determines that more time is required.
7. Presiding officer shall allow argument against approval of the application, not to exceed five minutes. The presiding officer may extend such time if he/she determines that more time is required.
8. Following presentations, discussion of the appeal will be limited to the Board. If the Board requests additional information of either side, rebuttal shall be allowed to the other side.
9. Following discussion of each issue, Board shall vote on the issue, or defer vote until a later designated time.
10. Upon completion of agenda, Board shall adjourn meeting.

G. Decisions of the Board

1. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the various technical codes over which it has appellate review to any particular case when, in it's opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the technical codes or public interest, and also finds all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - b. That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings, structures or service systems.

- d. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 - e. That the grant of the variance will be in harmony with the general intent and purpose of the code and will not be detrimental to adjoining property or to the public health, safety and general welfare.
- 2. The decision of the Board shall be final, subject to any remedy as any aggrieved party may have at law or in equity, and shall be effective upon the vote of the Board.
 - 3. Decisions of the Board shall be filed in the office of the Building Codes Administrator.
 - 4. The Secretary shall notify the appellant in writing of the Board's decision within 10 days of such decision.
 - 5. No subsequent appeal shall be considered where an appeal has been decided previously involving the same person, building or premises, and the same citation, unless the appellant can demonstrate to the Board a change in circumstances sufficient to justify reopening the appeal.

H. Conflict with Greenville City Code

Any portion of these by-laws in conflict with the Code of Ordinances of the City of Greenville, now or at any time in the future, shall be null and void.