

## **RULES OF PROCEDURE GLOUCESTER COUNTY BOARD OF BUILDING CODE APPEALS**

The Board of Building Code Appeals (hereafter referred to as the Board) was established April 1, 1975 in conformance with the Virginia Uniform Statewide Building Code.

Following are the Rules of Procedure in order to facilitate its power and duties in accordance with the Virginia Uniform Statewide Building Code Section 119. These rules became effective upon adoption by the Board and shall be recorded in the minutes and available for public inspection.

### **Section 1-1 Membership**

The board shall consist of not less than five (5) members appointed by the Board of Supervisors for a term of five years. Alternate members may be appointed by the Board of Supervisors to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members.

### **Section 1-2 Officers and Qualifications of Members**

The Board shall annually select one of its regular members to serve as Chairman and Vice Chairman. If the Chairman is not present at an appeals meeting the Vice Chairman shall conduct the proceedings. If both the Chairman and Vice Chairman are not present, the members present shall select an acting chairman. The Chairman shall have the power and duty to direct hearings, rule upon acceptance of evidence and oversee the record of all proceedings.

Members of the Board shall be selected by the Board of Supervisors on the basis of their ability to render fair and competent decisions regarding the application of the Uniform Statewide Building Code and to the extent possible, represent different occupational or professional fields related to the construction industry. At least one member should be from each of the following fields:

- An experienced builder
- A registered design professional (RDP)
- An experienced property manager

Employees or officials of the locality shall not serve as members of the Board.

The Board of Supervisors shall appoint a secretary to the Board to maintain a detailed record of all proceedings.

### **Section 1-3 Conduct of Members**

No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (Section 2.2-3100 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

## **Section 2-1 Right of Appeal; filing of appeal application**

The owner of a building or structure, the owner's agent or any person involved in the design or construction of a building or structure may appeal a decision of the building official concerning the application of the Uniform Statewide Building Code to such building or structure and may also appeal a refusal by the building official to grant a modification to the provisions of the Uniform Statewide Building Code pertaining to such building or structure. The applicant shall submit a written application for appeal to the Board within 30 calendar days of the receipt of the decision being appealed. A copy of the building official's decision shall be submitted with the application and maintained as part of the record. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the building official's decision.

## **Section 3-1 Meetings and Postponements**

Meetings will be held in the meeting room of Gloucester County Building Two, 6489 Main Street, 2<sup>nd</sup> Floor Conference Room, at 6:30 pm as required by application received. The Board shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all parties involved in the appeal. A notice of the time and place of the hearing shall be sent to parties in writing to the address listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed upon by all parties involved in the appeal.

When a quorum, three or more members, of the Board is not present at a hearing, any party involved in the appeal shall have the right to request a postponement of the hearing. The Board shall reschedule the appeal within 30 calendar days of the postponement, unless a longer time period is agreed to by all parties involved in the appeal.

Should the County Offices close on the day of the hearing due to weather conditions, the Building Office staff will attempt to contact each party by telephone.

## **Section 4-1 Hearings and decision**

All hearings before the Board shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the building official's decision in question shall be given an opportunity to be heard.

The Board shall have the power to uphold, reverse or modify the decision of the building official by a concurring vote of a majority of those present. Decisions of the Board shall be by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be sent to all appellant parties by certified mail. The resolution shall contain the following wording:

"Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review

Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

After final determination by the Board in an appeal, any person who was a party to the appeal may further appeal to the State Review Board (The Virginia State Building Code Technical Review Board as established under Section 36-108 of the Code of Virginia). For appeals from the Board, a copy of the building official's decision and the resolution of the Board shall be submitted with the application for appeal.

Failure to submit an application to the State Review Board within that time limit shall constitute an acceptance of the Board of Building Code Appeals' decision.

#### **Section 4-2 Order of Business**

The order of business for a regular meeting shall be:

- Call to order by Chairman
- Roll call
- Determination of quorum
- Approval of agenda
- Hearing of appeal(s)
- Old business
- New business
- Adjournment
- Resolution signed by the Chairman