

RESOLUTION 2001 - 12

A RESOLUTION ESTABLISHING PROCEDURES FOR THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS.

WHEREAS, the Board of County Commissioners, pursuant to Ordinance 2000-20, established the Construction Board of Adjustments and Appeals; and

WHEREAS, the Board of County Commissioners shall establish procedures for the meetings.

NOW, THEREFORE, BE IT RESOLVED this 8th day of January, 2001, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. The Construction Board of Adjustments and Appeals shall meet upon call of the Chairperson, subject to the notice required as set forth herein.

2. All forms for appeals or extensions of time for demolition orders shall be prepared by the Building Official or designee and approved by the County Attorney.

3. If an appeal or extension is submitted pursuant to Ordinance 2000-20, the Chairperson will immediately be advised, and a hearing scheduled.

4. The appellant/requestor shall be responsible for payment of a one hundred dollar (\$100.00) fee and the advertising costs for the newspaper(s) and shall pay said amounts prior to the date of the hearing.

5. The Building Official shall notify the appellant, in writing, of the date and time of the hearing, and a notice shall be placed in a newspaper of general circulation at least one (1) week prior to the hearing, and additional notices posted as set forth herein.

6. Any meetings of the Construction Board of Adjustments and Appeals shall be at the call of the Chairperson and shall be advertised in a newspaper of general circulation at least one (1) week prior to the meeting, and notices shall be posted at the temporary Courthouse, at the Yulee County Building, and at the Building Official's office. A majority shall consist of five (5) members, and at least one (1) of the attending members shall have a background in whatever code is the subject of the appeal.

7. The appellant or requestor of any extensions shall be sent a copy of the procedures by the Building Official or his designee.

8. The procedures shall be as follows:

a. The appellant or requestor shall have the right to be represented by legal counsel.

b. The appellant or requestor may request a continuance of the meeting and state the reasons. Said request shall be provided to the Building Official's

office. The Board shall vote to approve or deny any request. If a continuance is granted, the Board shall require that the appellant/requestor pay the costs of any re-advertising. If the continuance is at the request of the Board, the Building Official shall be responsible for any re-advertising costs.

c. The appellant or requestor and any witnesses shall be sworn-in, and any staff person shall also be sworn in.

d. Any documents or photographs submitted shall become part of the record.

e. The staff person shall state the basis for the particular code application or interpretation.

f. The appellant shall have equal time to present evidence as to the codes, or present evidence as to any misconstruing of codes or incorrect interpretation.

g. The appellant may also present witnesses to address any of the issues.

h. The appellant or his attorney may cross-examine the staff person who testifies subject to control by the Chairperson and the County Attorney.

i. The staff person may re-but the testimony of the appellant.

j. The Board members with the approval of the Chair may question the appellant, witnesses, or staff person at any time during the proceedings.

9. The Board may then vote to close the hearing and may then discuss the matter, and if questions are asked, they may be asked upon request of the Chairperson.

10. The Board shall vote to uphold the staff person, or shall, upon a vote of the majority at the meeting, vary or modify the application of the code, or reverse the decision as to the application of the code.


11. The Board shall indicate the basis for the decision, and the motion and the minutes of the meeting shall reflect the reasons. The Building Official may designate the individual or individuals to take minutes and prepare the orders. The orders shall be reviewed and approved by the Office of the County Attorney and be signed by the Chairperson within three (3) working days of the hearing. Copies shall be provided to the appellant and staff member(s), and a copy maintained in the Building Department.

12. If an individual is requesting an extension of time for a demolition order, he/she shall request an extension utilizing forms provided by the Building Official and approved by the County Attorney. The Chairperson shall

call a meeting pursuant to the procedures set forth herein.

The hearings shall be conducted in the same manner.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



MARIANNE MARSHALL

Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.

Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULRIN

h/anne/res/const-bd-procedures