

RESOLUTION 2022 –126

A RESOLUTION RESCINDING RESOLUTION 2001-12, WHICH ESTABLISHED PROCEDURES FOR THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS AND RE-ESTABLISHING PROCEDURES FOR THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS.

WHEREAS, on June 19, 2000, the Board of County Commissioners, pursuant to Ordinance 2000-20, established the Construction Board of Adjustments and Appeals, located at Chapter 7, Article XIV of the Nassau County Code of Ordinances; and

WHEREAS, the purpose of the Construction Board of Adjustments and Appeals is to hear appeals regarding the interpretation and enforcement of the Florida Fire Prevention Code, Florida Building Codes, National Electrical Code and Chapter 7, Article VII, Unsafe Building Abatement Code (collectively referred to herein as “code”); and

WHEREAS, pursuant to Section 7-231, Nassau County Code of Ordinances, the Board of County Commissioners shall set forth procedures, by separate resolution, for the Construction Board of Adjustments and Appeals; and

WHEREAS, it has become necessary to rescind Resolution 2001-12 which initially established the procedures the Construction Board of Adjustments and Appeals and re-establish procedures for the Construction Board going forward.

NOW, THEREFORE, BE IT RESOLVED this 13th day of June, 2022, 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 Section 7-229, the Chairperson will immediately be advised, and a hearing scheduled.

4. The appellant or requestor shall be responsible for payment of a one-hundred-dollar (\$100.00) fee, along with the advertising cost for noticing in a newspaper(s) of general circulation and shall pay said amounts prior to the date of the appeal hearing.

5. The Building Official shall notify the appellant or requestor 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. Noticing of hearing pursuant to the Unsafe Building Abatement Code shall be as provided in Chapter 7, Article VII of the Nassau County Code of Ordinances.

6. Any meetings of the Construction Board of the 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 Nassau County Courthouse, at the James Page Governmental Complex, 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 the code which 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 submitted 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 cost of any re-advertising. If the continuance is at the request of the Board, the Building Official shall be responsible for any re-advertising cost.
- 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 code application or interpretation.
- f. The appellant shall have equal time to present evidence as to the code, or present evidence as to any misconstruing of code or incorrect interpretation.
- g. The appellant may also present witnesses to address any of the issues.
- h. The appellant or his/her 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.

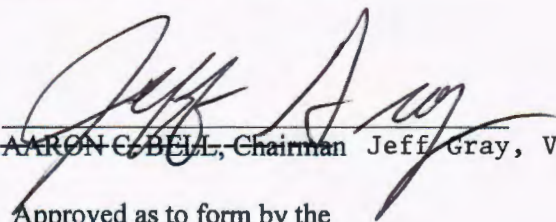
9. The Board may then vote to close the hearing and may then discuss the matter, and if questions are asked, they may be asked upon request of the Chairperson.

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 five (5) working days of the hearing. Copies shall be provided to the appellant and staff member(s), and a copy maintained in the Building Department.

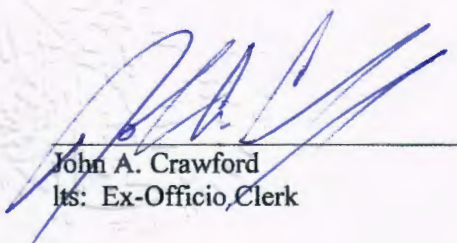
12. If an individual is requesting an extension of time for a demolition order, he/she shall request an extension utilizing forms provided by the Building Official and approved by the County Attorney. The Chairperson shall call a meeting pursuant to the procedures set forth herein. The hearings shall be conducted in the same manner.

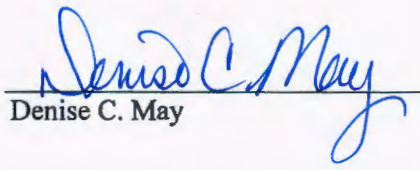
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


~~AARON C. BELL~~, Chairman Jeff Gray, Vice Chairman

Attest as to Chairman's signature:

Approved as to form by the
Nassau County Attorney:


John A. Crawford
Its: Ex-Officio, Clerk


Denise C. May