

**Town of Meggett  
Board of Zoning Appeals**

**Rules of Procedure**

The Board of Zoning Appeals (BZA) of the Town of Meggett is a quasi-judicial body established to interpret and grant relief from the Unified Development Ordinance. The administrative office of the BZA shall be located at the office of the Town of Meggett Planning Department. The actions of the BZA are governed by the Town of Meggett Unified Development Ordinance contained in the Municipal Code and South Carolina Code Section 6-29-710 et seq. All actions of the BZA and its members shall be taken in compliance with Robert's Rules of Order unless such rules are in conflict with the adopted BZA Rules of Procedure. The BZA Rules of Procedure shall always be available to the public upon request.

The BZA has decision making authority over three (3) types of applications:

1. Appeal of an Administrative Decision may be filed when there is an alleged error in an order, requirement, decision, or determination made by an administrative official in the enforcement of Unified Development Ordinance.
2. Variances may be filed when strict application of the zoning ordinance would cause an unnecessary hardship. The BZA's actions on such variance requests must be based on the specific standards contained in the Unified Development Ordinance.
3. Special Exceptions allow the BZA to permit uses if certain terms and conditions in the Unified Development Ordinance are satisfied.

In each case, the BZA is authorized to approve, to approve with conditions or to deny a request. The BZA is authorized to refer the application to staff or to defer action if additional information is deemed necessary.

**MEMBERSHIP**

1. The BZA consists of five members, a majority of which constitutes a quorum, appointed by the Town Council. The members serve overlapping terms of not less than three nor more than five years. The Town Council of Meggett determines members of the BZA and their tenure for their specific expertise, community knowledge, and concern for the future welfare of the total community and its citizens. They shall represent a broad cross section of community interest, concerns, and professions. Each member must be a resident of the Town of Meggett.

2. Should a vacancy occur in the membership of the BZA, the Chairperson of the BZA, for the purpose of appointing a replacement member, will give immediate notice to the Clerk of the Town Council. The Town Clerk shall provide the BZA a written document setting forth the terms of existing members at the discretion of the Chairperson.
3. Members who resign by absenteeism or due to holding dual offices must vacate their seat immediately upon resignation. Members who resign for other reasons, members who are no longer qualified to serve and members who are not reappointed shall serve until their successors are appointed and qualified.

## OFFICERS

1. CHAIRPERSON- At the first scheduled meeting of the BZA in any calendar year, the BZA shall elect one (1) of its members to serve as Chairperson. The duration of the term shall be one (1) year. The Chairperson may be re-elected. The Chairperson shall be a voting member of the BZA
2. VICE-CHAIRPERSON- At the first scheduled meeting of the BZA in any calendar year, the BZA shall elect one (1) of its members to serve as Vice-Chairperson. The duration of this term shall be one (1) year. The Vice-Chairperson may be re-elected. The Vice-Chairperson shall be a voting member of the BZA.
3. In the event that both the Chairperson and the Vice-Chairperson are absent from a meeting, the legal staff shall conduct an election from among those members present to determine who shall conduct that meeting.
4. SECRETARY- At the first scheduled meeting of the BZA in any calendar year, the BZA shall elect the Director of Planning to serve as Secretary. The duration of the term shall be one (1) year. The Secretary may be re-elected.

Should a vacancy occur among the officers of the BZA, an election shall be held at the next regularly scheduled meeting to fill the unexpired term of that officer.

## BOARD MEMBER ATTENDANCE

1. It is most important that members of the Board be present at meetings. When a member is to be tardy or not able to attend a meeting of the Board, said member should notify the Town Clerk in advance. Staff will inform the Chair of the anticipated tardiness or absence.
2. If votes are to be taken on an application, Board members must be physically present in order to participate.
3. If a member of the BZA should fail to be present at three or more consecutive meetings of the BZA, said member should present a request to the Chairperson for the Board's consideration to excuse the absences.
4. Three or more consecutive, unexcused absences entail the Town Council of Meggett to review the member's position on the BZA.

## MEETINGS

1. BZA meetings will be called at the discretion of the BZA Chairperson. All meetings will be noticed in accordance with the Town of Meggett Unified Development Ordinance and South Carolina State Law.
2. A quorum is necessary in order for the BZA to conduct business. A quorum shall consist of a simple majority of the total membership of the BZA.
3. Should an emergency situation arise that cannot be addressed by Planning Staff, Staff may ask the Chairperson to call a special meeting to address that specific situation when waiting until the next regularly scheduled meeting of the BZA will dangerously and seriously affect an applicant or the general welfare of the community. A special meeting may be called at the discretion of the Chairperson. Alternatively, such a special meeting may be called upon the request of two (2) members of the BZA to the Chairperson. Three (3) working days notice shall be given to the BZA and the public.
4. When a scheduled meeting is canceled as a result of a hurricane or other emergency situation, a substitute meeting may be held after three (3) working days notice to the BZA and the public.
5. Members of the BZA shall not discuss any pending application outside of the public hearing. If a proponent or opponent approaches a member regarding an application, he/she shall disclose that information to the BZA meeting when the matter is called.

6. A member may disqualify her/himself from discussion and voting when any proponent or opponent of an application has sought to influence the vote in any forum outside of the application process.
7. A member of the BZA shall recuse her/himself from participating in any matter in which she/he has a financial or personal interest in the property or action concerned or will be directly affected by the decision.
8. Swearing of witnesses by the Chairperson of the Board, or his/her designee may be done individually or as a group. All persons addressing the BZA to give testimony or evidence must be sworn in and shall state their full name and current address for the record.
9. Public hearings of the BZA shall be conducted in accordance with these Rules of Procedure and all applicable laws. Applications for consideration shall be presented to the BZA in the following manner:
  - a. Presentation of Application by Staff;
  - b. Questions to Staff by BZA;
  - c. Presentation of Application by Applicant;
  - d. Questions to the Applicant by BZA;
  - e. Presentation of information either in support of or in opposition to the Applicant;
  - f. Applicant's Reply to Opposition;
  - g. BZA Motions Concerning Application, stating specific findings of fact and conclusions of law; and
  - h. BZA action concerning the Application.
10. Time limits on presentations may be proposed by the Chair and approved by the BZA
11. All applications for Appeals, Variances, and Special Exceptions that are to be considered by the BZA must be completed and filed at the administrative offices no less than thirty (30) days prior to the meeting at which they will be considered.
12. All written material submitted either in support of or in opposition to an application that is not supported by witness testimony must be received by the administrative office of the Planning Department at least five (5) working days prior to the public hearing during which the application is to be considered and shall be delivered to the BZA at least two (2) working days before the meeting.
13. Upon motion, the BZA may accept and consider written material submitted either in support of or in opposition to an application less than five (5) working days prior to the public hearing.

14. All information on file for cases on the agenda must be in the possession of the members of the BZA at least five (5) working days prior to the meeting at which the cases are to be heard, unless otherwise provided herein.
15. At the public hearing, the case file prepared by the staff shall be entered into the official records of the BZA. In accordance with items 11 and 12, the BZA may accept affidavits, testimony or other evidence that may be presented by the proponents or opponents. All new evidence may be entered into the records by the BZA.
16. The BZA, by its own motion, may certify contempt to the Circuit Court if false, misleading, or incomplete statements are made by any person presenting information to the BZA.
17. The BZA, by its own motion, may call additional witnesses. The BZA has authority to subpoena witnesses.
18. After each case has been voted on, the Chairperson shall announce into the record how each member voted.
19. Cases to be heard by the BZA may be deferred for a period of time not to exceed ninety (90) days. For the record, the reason given for postponement must be clearly stated in the motion for deferral.
20. The Chairperson or her/his designee shall sign all orders.
21. Board members may participate by telephone in meetings where no applications are to be considered.


#### ADDITIONS, DELETIONS, OR MODIFICATIONS


Additions, deletions or modifications to these procedures may be adopted by the BZA at a regular meeting when such changes have been previously presented and discussed at a prior BZA meeting.


**SEVERABILITY**

If a court of competent jurisdiction determines that any provision of these Rules of Procedure is invalid, that ruling shall apply only to the provision in question and will not invalidate any other provision of these Rules of Procedure. If any court of competent jurisdiction rules invalid a specific application of any provision of these Rules of Procedure, that ruling will not affect the application of the Rules of Procedure in other instances.

Date adopted: 8/20/2007

  
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Signature of BZA Chairperson

  
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Signature of the Secretary of the BZA

  
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Signature of the Attorney for the BZA