

RESOLUTION NO. 15-0204

RE: AMEND THE BY-LAWS OF THE PORTAGE COUNTY BOARD OF BUILDING APPEALS.

It was moved by Vicki A. Kline and seconded Kathleen Chandler by that the following resolution be adopted:

- WHEREAS, the Portage County Board of Commissioners appointed the first Portage County Board of Building Appeals on May 6, 1999 with Resolution No. 99-324; and
- WHEREAS, the Board of Building Appeals is to hear and decide appeals of orders, decisions, or determinations made by the Director/Residential Building Official relating to the Portage County Residential Building Codes, Floodplain Regulations and Contractor Registration, adopted by the Board of Commissioners. The Board members are qualified by experience and training to pass upon matters to building construction and are not employees of the jurisdiction; and
- WHEREAS, the Board of Commissioners adopted Resolution No. 02-0865 on October 3, 2002 establishing the member terms and the By-Laws for the Board of Building Appeals; and
- WHEREAS, the Board of Commissioners adopted Resolution No. 10-0097 amending the 2002 By-Laws for the Board of Building Appeals; now therefore be it
- RESOLVED, that the Portage County Board of Commissioners does hereby agree to amend the By-Laws for the Portage County Board of Building Appeals to reflect changes made by the Board of Commissioners and attached hereto as Exhibit "A"; and be it further
- RESOLVED, that these By-Laws replace the version of the By-Laws adopted with Resolution 10-0097; and be it further
- RESOLVED, that the name of the Portage County Board of Building Appeals is the Portage County Board of Building Appeals for Residential Construction & Floodplain Administration or the Portage County Building Board of Appeals (alternately referred to as "the Board"); and be it further
- RESOLVED, that the Board of Commissioners finds and determines that all formal actions at this meeting concerning and relating to the adoption of this resolution were taken in an open meeting by the Board of Commissioners and that all deliberations that resulted in those formal actions were in a meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Maureen T. Frederick, Yea; Kathleen Chandler, Yea; Vicki A. Kline, Yea;

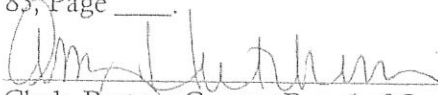
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I, Clerk of the Portage County Board of Commissioners, Portage County, Ohio, do hereby certify that the foregoing document is a true and correct copy of a resolution of the Board of County Commissioners of Portage County, duly adopted March 10, 2015 and appearing upon the official records of said Board, Volume 83, Page _____.


Clerk, Portage County Board of Commissioners

BY-LAWS
PORTAGE COUNTY BOARD OF BUILDING APPEALS
FOR RESIDENTIAL CONSTRUCTION & FLOODPLAIN ADMINISTRATION
RESOLUTION NO. 15-0204
EXHIBIT "A"

I NAME

The name of this organization shall be hereafter referred to as the Portage County Board of Building Appeals for Residential Construction & Floodplain Administration or the Portage County Building Board of Appeals (alternately referred to as "the Board").

II PURPOSE

The Portage County Board of Building Appeals is organized for the purposes of hearing variances from the Portage County Residential Building Codes, Floodplain Regulations, and Contractor Registration, adopted by the Board of Commissioners, and any other decision of the Director/Residential Building Official, over which this Board may have jurisdiction under Ohio law.

III MEMBERSHIP

A. Representation

1. A total of seven (7) Board members and (1) alternate Board member, who are not employees of the County, and who are appointed by the Board of Portage County Commissioners, consisting of:
 - a) Three (3) homeowners;
 - b) One (1) registered architect or professional engineer registered in Ohio;
 - c) One (1) licensed contractor registered with the State of Ohio;
 - e) One (1) contractor/builder;
 - f) One (1) fire safety inspector;
 - g) One (1) alternate either having experience related to the construction and equipment of buildings and structures, or as a homeowner.
2. The alternate member may serve in place of any regular member when a member is not available for a meeting, regardless of the alternate's experience or area of expertise, and shall act in any capacity that a member is entitled to when replacing a member. The alternate member may participate in any meetings of the Board, regardless of whether a regular member is absent, but may not vote unless replacing a member.

B. Appointments

Appointments shall be for three (3) year terms. A member shall hold office from the date of appointment until the end of the appointed term; however, he/she shall continue in office following the term expiration date until his/her successor takes office or until sixty days have elapsed, whichever occurs first.

C. Vacancies

Any vacancy shall be filled for the unexpired term in the same manner in which the member was originally designated or chosen. If a member misses three (3) consecutive meetings or more than fifty percent (50%) of the meetings in one year, he/she may, at the option of the Board of County Commissioners, be considered to have resigned, and shall not be counted in the numerical requirements for a quorum, unless or until a successor has been appointed.

IV ORGANIZATION

The Board shall have as its officers a chairperson and vice-chairperson. The Board shall select annually at its December meeting one (1) of its members to serve as its chairperson, and one (1) of its members to serve as its vice-chairperson, said terms to begin on January 1st of each year. Each shall hold office until his/her successor is elected. The chairperson shall preside at all meetings of the Board, and the vice-chairperson shall perform the duties of the chairperson in case of his/her absence. The Building Department will provide an employee to serve as Secretary for this Board.

V QUORUM

A simple majority (four members) of the Board shall constitute a quorum to transact business and any vacancy shall not impair the right of remaining members to exercise authority. In the event that a quorum is not present within one-half hour of the start time of a meeting, the chairperson shall have the option to cancel the meeting and reschedule as necessary.

Any action taken by the Board at any meeting of the Board must be approved by a majority of Board members present at the meeting. In the event of a tie vote, the action shall be deemed defeated, or, at the option of the appellant, the decision would be moved to the next scheduled meeting for a decision.

VI DISQUALIFICATION

No member of the Board shall vote on any question involving a specific job on which the member of the member's employer or employee is or has been engaged or involved as a contractor or materials dealer or superintendent, or for which the member or his employer or employee has prepared plans or specifications or in which the member has or has had any personal or financial interest whatsoever. Such member shall leave the hearing room until the appeal has been completed.

VII POWERS AND DUTIES

This Board shall conduct a hearing for any person adversely affected by any order, decision or ruling of the Director/Residential Building Official relating to a violation of the Portage County Residential Building Codes, Floodplain Regulations and Contractor Registration, adopted by the Board of Commissioners. In conducting such hearing, the Board of Building Appeals shall have the authority to affirm, modify or reverse the order, decision or ruling of the Director/Residential Building Official.

The Board of Building Appeals shall also have the authority to grant a variance from the terms of the Portage County Residential Building Codes, Floodplain Regulations and Contractor Registration rules where the variance would not be contrary to the public interest and where a literal enforcement of such rules would result in unnecessary hardship.

In the case where a member must abstain from a hearing provided for herein, and this causes the loss of the quorum, the hearing will be cancelled and rescheduled within thirty (30) days.

If, upon completion of a hearing provided for herein, the Board feels that it does not have sufficient information necessary for it to make its decision, the Board may continue the hearing, until the next scheduled meeting. The Board may request that either the applicant, the Director/Residential Building Official, or both, provide additional information.

VIII RULES OF PROCEDURE

- A. The Board may adopt its own rules of procedure.
- B. The records of all proceedings of the Board shall be maintained in accordance with the Portage County Commissioners' Schedules of Records Retention and Disposition and available to the public.
- C. A copy of the minutes of the proceedings of an appeal hearing and a copy of the decision resulting from such a hearing shall be signed by the chairperson and secretary

of the Board and shall be sent by certified mail or otherwise to the appellant or applicant, as the case may be. A like copy of the minutes and decision shall be filed in the Building Department and shall be open for public inspection.

- D. All hearings taking place in connection with decision concerning the Flood Damage Reduction Regulations shall be conducted in accordance with Section 5.0 of those regulations.
- E. Applicants shall provide the following determinations to allow the Board to grant a variance:
 - 1. Must show that a practical difficulty or hardship will occur if not granted.
 - 2. That granting a variance will not be a substantial detriment to the public.
 - 3. That exceptional circumstances or conditions apply to this particular property and building.

IX MEETINGS OF THE BOARD

- A. Regular meetings. The Board shall hold regularly scheduled quarterly meetings, on dates designated by the chairperson, in the previous December, for the upcoming calendar year.
- B. Special meetings. Special meetings shall be called, upon receipt of a request for hearing, by the chairperson, or upon the request of any two (2) members of the Board.
- C. Notice. The secretary of the Board shall mail or deliver written notice of each regular or special meeting to the members not more than (10) days nor less than five (5) days prior to such meeting. Notice may also be delivered by facsimile and/or electronically with return receipt requested. A proposed agenda shall be included in said mailing.
 - 1) Legal notice shall be provided for all regular meetings. Notice of such regular meetings shall be published in an electronic calendar posted on the webpage of the Portage County Building Department.
 - 2) Notice shall be provided for all special meetings. The secretary shall arrange for notice to be published in local newspapers of general circulation informing the public of the date, time, location and purpose of the meeting, at least ten (10) days in advance of the meeting. The secretary shall also contact local newspapers of general circulation and any other media outlets that have requested such notice, by telephone, facsimile and/or electronically with return receipt requested at least twenty-four (24) hours in advance of the meeting, and shall provide information as to the date, time, location and purpose of the special meeting.
- D. Determination not to hold a regular meeting. The Board may determine not to hold a regularly scheduled meeting. Determination not to hold any such meeting shall be the responsibility of the Chairman of the Board, who shall take appropriate measures to notify each Board Member and other standard participants of such regular meetings of the possibility of not holding the meeting. Notwithstanding any of the following, the Board shall hold the regularly scheduled meeting if the Chairman is advised by a member of the Board of the need to discuss new business, or by the secretary of the need to hold a hearing.

If the Board needs to cancel a special meeting for which a hearing is scheduled, the Board shall cancel the meeting and reschedule it for another time. Notice of such cancellation and rescheduling shall take place in the manner set forth in Paragraph C. 2) of this Section IX.