

BOARD OF ZONING APPEALS
February 8, 2022

Public Comment: Citizens may provide public comment here:
<https://www.iop.net/public-comment-form>

AGENDA

The Isle of Palms Board of Zoning Appeals will hold its regularly scheduled meeting on February 8, 2022, at **4:30pm** in City Hall Council Chambers, 1207 Palm Boulevard

- A. Call to order
- B. Acknowledgement that the meeting has been advertised in compliance with State law
- C. Nomination and election of Chairperson and Vice Chairperson
- D. Approval of minutes of previous meeting: December 7, 2021
- E. Swearing of any person giving testimony
- F. Home Occupations: 102 Forest Trail
 15 30th Avenue
 404A Carolina Boulevard
 717 Carolina Boulevard
- G. Miscellaneous business
- H. Executive session- receive legal advice from the City Attorney- annual legal briefing
- I. Adjournment



BOARD OF ZONING APPEALS
4:30pm, Tuesday, December 7, 2021
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Glenn Thornburg, Arnold Karig, Brian Abel, Elizabeth Campsen, and Douglas Kerr, Director of Planning

Absent: Ted McKnight

2. Approval of Previous Meeting's Minutes

Ms Campsen noted two changes to the minutes: Mr. Karig was the person who made the observation that the conditions for the variance request cannot be made or created by the applicant; and to remove the statement attributed to Mr. McQuillan in the minutes.

MOTION: Mr. Thornburg made a motion to approve the minutes as amended, and Mr. Abel seconded the motion. The amended minutes passed unanimously.

3. Swearing in of applicants

Ms. Campsen swore in the applicant.

4. Home Occupation – 7 Lauden Street

Director Kerr said the applicant, Darragh Simon, is requesting a Special Exception for the establishment of a yoga, health coaching, and massage business in her home. The home will be used for office work and to see up to five clients per week. There will be no exterior evidence of a business. Her only equipment is a massage table.

Director Kerr noted an “odd nuance” in the zoning table that specifically mentions massage parlors, but this was meant to prohibit “adult” businesses in the commercial district. Historically, massage therapists have been permitted on the island.

Ms. Simon spoke to the strict code of ethics she follows as a massage therapist. She said the yoga and health coaching portion of her business is done via Zoom, and she does not expect a flow of vehicles to or from her home. She said clients would be parking in her driveway.

Director Kerr said the Board of Zoning Appeals has not previously approved a request for that level of traffic to a home business.

MOTION: Ms. Campsen made a motion to approve the request with the condition that no clients would be coming to 7 Lauden Street and the home be used for office work and Zoom interactions only. Mr. Karig seconded the motion. The motion passed unanimously.

5. Miscellaneous Business

Director Kerr said he hopes to be able to hold the annual legal briefing at the January meeting.

6. Adjournment

The meeting was adjourned at approximately 4:50pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Appeal Number: 22-01

Applicant: Tina and Thomas Bradford

Address: 102 Forest Trail

Request:

The applicants are requesting a special exception to allow the establishment of a residential construction business at their home. They have indicated that the home will be used for office work only, that there will be no business-related traffic coming to the residence and that there will be no employees working in the residence other than family members that live in the home. The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed: 12/17/21

Appeal Number 22-01

Instructions:

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for a special exception. Entries must be printed or typewritten. If the applicant is not the owner of the property, all must sign.

Property Address 102 Forest Trail

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Tina Bradford / Thomas Bradford

Address 102 Forest Trail

Telephone 843-981-9590

Interest (i.e. Owner, Owner's attorney, Architect, etc.) Owner

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

I (We) certify that this application and all supporting documents attached are correct.

Tina Bradford 12/17/21
Applicant signature/date

Owner signature (if different from applicant)/date

Board of Zoning Appeals
Special Exception Application
Home Occupation
City of Isle of Palms

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for the use of the property described on the information sheet (page 1) as (give brief description of business): Small General Construction Company with an emphasis on remodel & renovation
2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes _____ No ☒ If yes, please explain: _____
3. Will there be any evidence of a business from a visual inspection of the exterior of this residence? Yes _____ No ☒ If yes, please explain: _____
4. Will any signs, merchandise, equipment or other articles be displayed in a manner that they are visible from the street? Yes _____ No ☒
5. Will there be any business related traffic coming to this residence? Yes _____ No ☒ If yes, please explain and give frequency: _____
6. Will there be any employees working in this residence other than family members? Yes _____ No ☒
7. Will any business related activity be conducted on your property, but outside of the house (i.e. in a detached shed or in the yard)? Yes _____ No ☒
8. Will any merchandise or articles be stored at any location other than inside this residence? Yes _____ No ☒ If yes, explain: _____
9. Will more than 25% of the floor of this residence be devoted to the occupation? Yes _____ No ☒
10. Will any equipment or materials that are not normal to a household be used or stored at this residence in connection with the occupation? Yes _____ No ☒
11. Will the occupation generate any noise, vibration, heat, glare, smoke, odor, or dust perceptible to your neighbors? Yes _____ No ☒
12. Are there currently any other home occupations operating at this residence? Yes _____ No ☒

Describe in full the nature of your occupation, profession, or trade by listing all activities related to such occupation that will be undertaken in your home: General

Construction office that has 1 person (myself).
Computer work, phones, contracts, filing, lead
generation

In applying for this special exception home occupation, I have answered the questions truthfully and have not omitted any information about my home occupation which, if disclosed, would result in a denial of this application in accordance to section 5-4-7 (a) (b) of the City of Isle of Palms Code of Ordinances.

I further acknowledge that, if granted, the special exception home occupation and business license issued under authority of that permit may be revoked if any of the information contained in this application is found to be untruthful or if I fail to meet the requirements of section 5-4-44 and 5-4-2(18): If I have failed to provide information fully describing the home occupation to be conducted on my premises, or at any time the conduct of my home occupation may constitute a nuisance as defined in section 5-4-44 or section 6-1-11, et. Esq., of the City of Isle of Palms Code of Ordinances. Any activity which adversely diminishes the residential character of my neighborhood may be cause for revocation of my home occupation. Outdoor advertising is not allowed under this license.

Juma Bradford 12/17/21
Signature of applicant & date

Appeal Number: 22-02

Applicant: Cassandra Eager

Address: 15 30th Avenue

Request:

The applicant is requesting a special exception to allow the establishment of an art and interior design consulting business in her home. She has indicated that the home will be used for administration and office work only and that no employees or other business-related traffic coming to the residence.

The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed: 12-15-21

Appeal Number 22-02

Instructions:

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for a special exception. Entries must be printed or typewritten. If the applicant is not the owner of the property, all must sign.

Property Address 15 30th Ave

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Cassandra Eager

Address 15 30th Ave IOP SC 29451

Telephone 843-814-7320

Interest (i.e. Owner, Owner's attorney, Architect, etc.) Cass Eager

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

I (We) certify that this application and all supporting documents attached are correct.

Cass Eager 12-15-21
Applicant signature/date

C Eager 12-15-21
Owner signature (if different from applicant)/date

Board of Zoning Appeals
Special Exception Application
Home Occupation
City of Isle of Palms

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for the use of the property described on the information sheet (page 1) as (give brief description of business): administrative office for Cass Eager Studio LLC.

2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes _____ No X. If yes, please explain: _____

3. Will there be any evidence of a business from a visual inspection of the exterior of this residence? Yes _____ No X If yes, please explain: _____

4. Will any signs, merchandise, equipment or other articles be displayed in a manner that they are visible from the street? Yes _____ No X

5. Will there be any business related traffic coming to this residence? Yes _____ No X. If yes, please explain and give frequency: _____

6. Will there be any employees working in this residence other than family members? Yes _____ No X

7. Will any business related activity be conducted on your property, but outside of the house (i.e. in a detached shed or in the yard)? Yes _____ No X

8. Will any merchandise or articles be stored at any location other than inside this residence? Yes _____ No X If yes, explain: _____

9. Will more than 25% of the floor of this residence be devoted to the occupation? Yes _____ No X

10. Will any equipment or materials that are not normal to a household be used or stored at this residence in connection with the occupation? Yes _____ No X

11. Will the occupation generate any noise, vibration, heat, glare, smoke, odor, or dust perceptible to your neighbors? Yes _____ No X

12. Are there currently any other home occupations operating at this residence? Yes _____ No X

Describe in full the nature of your occupation, profession, or trade by listing all activities related to such occupation that will be undertaken in your home: _____

administration only for the gallery and
online sales of creative photographic
images as well as administrative
work in connection with interior design
consultations for outside projects

In applying for this special exception home occupation, I have answered the questions truthfully and have not omitted any information about my home occupation which, if disclosed, would result in a denial of this application in accordance to section 5-4-7 (a) (b) of the City of Isle of Palms Code of Ordinances.

I further acknowledge that, if granted, the special exception home occupation and business license issued under authority of that permit may be revoked if any of the information contained in this application is found to be untruthful or if I fail to meet the requirements of section 5-4-44 and 5-4-2(18): If I have failed to provide information fully describing the home occupation to be conducted on my premises, or at any time the conduct of my home occupation may constitute a nuisance as defined in section 5-4-44 or section 6-1-11, et. Esq., of the City of Isle of Palms Code of Ordinances. Any activity which adversely diminishes the residential character of my neighborhood may be cause for revocation of my home occupation. Outdoor advertising is not allowed under this license.

C. Eaga 12-15-21
Signature of applicant & date

Appeal Number: 22-03

Applicant: Martha Boren

Address: 404A Carolina Boulevard

Request:

The applicant is requesting a special exception to allow the establishment of a car service in the home. The applicant has indicated that the home will be used for office work only and there would be no business-related traffic coming to the house or exterior evidence of a business and no exterior evidence of a business. The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Board of Zoning Appeals
Information Sheet
City of Isle Palms

Date Filed: 12.28.21

Appeal Number 22-03

Instructions:

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for a special exception. Entries must be printed or typewritten. If the applicant is not the owner of the property, all must sign.

Property Address 404 CAROLINA BLVD

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification S22

Applicant(s) Name MARTHA BOREN

Address 404A CAROLINA BLVD. IOP, SC 29451

Telephone 843-442-0910

Interest (i.e. Owner, Owner's attorney, Architect, etc) _____

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

I (We) certify that this application and all supporting documents attached are correct.

Martha S Boren 12/28/21
Applicant signature/date

Owner signature (if different from applicant)/ date

Board of Zoning Appeals
Special Exception Application
Home Occupation
City of Isle of Palms

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for the use of the property described on the information sheet (page 1) as (give brief description of business): Car service from IOP & S.I. to CHS
2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes _____ No ☒. If yes, please explain: _____
3. Will there be any evidence of a business from a visual inspection of the exterior of this residence? Yes _____ No ☒ If yes, please explain: _____
4. Will any signs, merchandise, equipment or other articles be displayed in a manner that they are visible from the street? Yes _____ No ☒
5. Will there be any business related traffic coming to this residence? Yes _____ No ☒. If yes, please explain and give frequency: _____
6. Will there be any employees working in this residence other than family members? Yes _____ No ☒
7. Will any business related activity be conducted on your property, but outside of the house (i.e. in a detached shed or in the yard)? Yes _____ No ☒
8. Will any merchandise or articles be stored at any location other than inside this residence? Yes _____ No ☒ If yes, explain: _____
9. Will more than 25% of the floor of this residence be devoted to the occupation? Yes _____ No ☒
10. Will any equipment or materials that are not normal to a household be used or stored at this residence in connection with the occupation? Yes _____ No ☒
11. Will the occupation generate any noise, vibration, heat, glare, smoke, odor, or dust perceptible to your neighbors? Yes _____ No ☒
12. Are there currently any other home occupations operating at this residence? Yes _____ No ☒

Describe in full the nature of your occupation, profession, or trade by listing all activities related to such occupation that will be undertaken in your home: _____

In my home will only be computer or
phone work, fulfilling bookings for driving
to and from Charleston Int'l. Airport and
Isle of Palms or Sullivan's Island

In applying for this special exception home occupation, I have answered the questions truthfully and have not omitted any information about my home occupation which, if disclosed, would result in a denial of this application in accordance to section 5-4-7 (a) (b) of the City of Isle of Palms Code of Ordinances.

I further acknowledge that, if granted, the special exception home occupation and business license issued under authority of that permit may be revoked if any of the information contained in this application is found to be untruthful or if I fail to meet the requirements of section 5-4-44 and 5-4-2(18): If I have failed to provide information fully describing the home occupation to be conducted on my premises, or at any time the conduct of my home occupation may constitute a nuisance as defined in section 5-4-44 or section 6-1-11, et. Esq., of the City of Isle of Palms Code of Ordinances. Any activity which adversely diminishes the residential character of my neighborhood may be cause for revocation of my home occupation. Outdoor advertising is not allowed under this license.

Martha S. Bower 1/7/22
Signature of applicant & date

Appeal Number: 22-04

Applicant: Vail Duggan

Address: 717 Carolina Boulevard

Request:

The applicant is requesting a special exception to allow the establishment of an online estate sale company in the home. The applicant has indicated that the home will be used for office work only and there would be no inventory stored in the home or business-related traffic coming to the house or exterior evidence of a business and no exterior evidence of a business. The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Old stuff Co.

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed: 1/20/22

Appeal Number 22-09

Instructions:

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for a special exception. Entries must be printed or typewritten. If the applicant is not the owner of the property, all must sign.

Property Address 717 CAROLINA BVD. 10P. SC 29451

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name VAIL DUGGAN

Address 717 CAROLINA BVD, 10P. SC 29451

Telephone 843-437-5975

Interest (i.e. Owner, Owner's attorney, Architect, etc.) OWNER / RESELLER

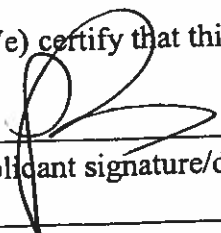
Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

I (We) certify that this application and all supporting documents attached are correct.


Applicant signature/date

Owner signature (if different from applicant)/date

Board of Zoning Appeals
Special Exception Application
Home Occupation
City of Isle of Palms

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for the use of the property described on the information sheet (page 1) as (give brief description of business): ONLINE RESERVE FOR ESTATE SALES, ANTIQUES

2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes _____ No X. If yes, please explain: _____

3. Will there be any evidence of a business from a visual inspection of the exterior of this residence? Yes _____ No X. If yes, please explain: _____

4. Will any signs, merchandise, equipment or other articles be displayed in a manner that they are visible from the street? Yes _____ No X

5. Will there be any business related traffic coming to this residence? Yes _____ No X. If yes, please explain and give frequency: _____

6. Will there be any employees working in this residence other than family members? Yes _____ No X

7. Will any business related activity be conducted on your property, but outside of the house (i.e. in a detached shed or in the yard)? Yes _____ No X

8. Will any merchandise or articles be stored at any location other than inside this residence? Yes _____ No X. If yes, explain: _____

9. Will more than 25% of the floor of this residence be devoted to the occupation? Yes _____ No X

10. Will any equipment or materials that are not normal to a household be used or stored at this residence in connection with the occupation? Yes _____ No X

11. Will the occupation generate any noise, vibration, heat, glare, smoke, odor, or dust perceptible to your neighbors? Yes _____ No X

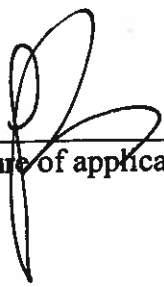
12. Are there currently any other home occupations operating at this residence? Yes _____ No X

Describe in full the nature of your occupation, profession, or trade by listing all activities related to such occupation that will be undertaken in your home: _____

Hi, I HAVE HAD AN ONLINE SHOP OLD STUFF CO SINCE
2018 RECENTLY MOVED TO 10P AND NEED TO TRANSFER /CHANGE
ADDRESS. I RUN ESTATE SALES AND RESELL HOME DECOR
AND FURNITURE FOR OTHER PEOPLE. NO INVENTORY WILL
BE IN OR AROUND MY HOME. OFFICE LOCATION ONLY!

In applying for this special exception home occupation, I have answered the questions truthfully and have not omitted any information about my home occupation which, if disclosed, would result in a denial of this application in accordance to section 5-4-7 (a) (b) of the City of Isle of Palms Code of Ordinances.

I further acknowledge that, if granted, the special exception home occupation and business license issued under authority of that permit may be revoked if any of the information contained in this application is found to be untruthful or if I fail to meet the requirements of section 5-4-44 and 5-4-2(18): If I have failed to provide information fully describing the home occupation to be conducted on my premises, or at any time the conduct of my home occupation may constitute a nuisance as defined in section 5-4-44 or section 6-1-11, et. Esq., of the City of Isle of Palms Code of Ordinances. Any activity which adversely diminishes the residential character of my neighborhood may be cause for revocation of my home occupation. Outdoor advertising is not allowed under this license.



Signature of applicant & date

THE CITY OF ISLE OF PALMS, S.C.
Board of Zoning Appeals
Rules of Procedure

Article I
Organization

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the City of Isle of Palms Board of Zoning Appeals which consists of Five (5) members appointed by City Council.

Section 2. Officers

The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board in each calendar year. The Board shall appoint a member of the staff of the City as secretary of the Board.

Section 3. Chairman

The chairman shall be a voting member of the Committee and shall:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings; and swear in witnesses
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Have orders of the Board served on parties; and
- f. Perform other duties approved by the Board.

The chairman may make or second any motion which comes before the Board.

Section 4. Vice-Chairman

The Vice-Chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 5. Secretary

The secretary shall:

- a. Provide and publish notice of appeals and meetings;

- b. Assist the chairman in preparation of agenda;
- c. Ensure that property involved in appeals for variances or special exceptions is properly posted;
- d. Keep recordings and minutes of meetings and hearings;
- e. Maintain Board records as public records;
- f. Serve Board decisions on parties;
- g. Attend to Board correspondence; and
- h. Perform other duties normally carried out by a secretary.

Article II Meetings

Section 1. Time and Place

An annual schedule of regular meetings shall be adopted, published and posted at City Hall in January of each year. Special meetings may be called by the chairman or a majority of the Board upon no less than twenty four (24) hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Agenda

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

Section 3. Quorum

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. Rules of Order

Robert's Rules of Order Newly Revised 9 th Edition (1990) shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Article III Appeals Procedure

Section 1. Form of Appeal

Appeals from the administrative decisions, applications for variances, and applications for special exceptions shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Section 2. Time for Appeal

An appeal from an administrative decision must be filed within thirty (30) days after actual notice of the decision by delivery of the approved appeal form to the secretary of the Board, who shall notify the official appealed from.

Section 3. Calendar

Appeals and application shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

Section 4. Withdrawal of Appeal

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be refiled after the thirty (30) day time for appeal has expired. Withdrawn applications for variances and special exceptions may be refiled after six (6) months and shall be placed on the calendar according to the date refiled.

Section 5. Continuances

The hearing of an appeal or application may be continued one time by the Board for good cause shown.

Section 6. Notice

Public notice of a hearing of the Board shall be published in a local newspaper of general jurisdiction and posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. In addition, due notice shall be given to the parties in interest. The notice shall contain a description of each matter to be heard and identify the applicant and the property affected. A meeting agenda for regular or special meetings of the Board shall be posted at City Hall at least twenty-four (24) hours in advance of any such meeting.

Article IV Hearing Procedures

Section 1. Appearances

The application or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

Section 2. Witnesses

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The Board may call its own witnesses or require sworn testimony when deemed appropriate.

Section 3. Cross-examination

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

Section 4. Evidence

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 5. Conduct of Hearing

The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman or secretary);
- b. Presentation by applicant (5-minute limit);
- c. Presentation by official appealed (5-minute limit); or
- d. Presentation by opponents (5-minute limit);
- e. Rebuttal by applicant (3-minute limit);
- f. Unsworn public comment when appropriate;
- g. The Board may question participants at any point in the hearing;
- h. Matters in which additional time is granted may be moved to the end of the agenda.

Section 6. Disposition

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public.

Section 7. Form of Order

A written order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in the order.

Section 8. Service of an Order

The secretary shall deliver a copy of an order to each party in interest by certified mail upon execution of the order by the chairman.

Section 9. Rehearing

The Board may grant the City, Applicant, or any party in interest a rehearing of an application upon written request filed with the secretary within fifteen (15) days after delivery of the final order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error, mutual mistake of fact, or error of law affecting the outcome. Upon granting a rehearing on one or more of the grounds recited herein, the Board may set aside its prior order, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and either enter a new order or affirm or amend its original order.

Section 10. Remand.

The Board may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines that the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review. The Board shall set a rehearing on the remanded matter without further public notice for a time certain within sixty (60) days from the date of remand unless otherwise agreed to by the parties. The Board shall maintain a list of persons who express an interest in being informed of when the remanded matter is set for rehearing, and notice of the rehearing shall be mailed to these persons prior to the rehearing.

Article V Records

Section 1. Minutes

The secretary shall record all meetings and hearings of the Board on audio tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare, or cause to be prepared, minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

Section 2. Orders and Documents

The secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

Article VI Adoption and Amendment

Section 1. Adoption

These rules were adopted by a vote of the majority of the members of the Board at a regular public meeting on _____, 2007.

Section 2. Amendment

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board at least seven (7) days after the proposed amendment is delivered in writing to all members.

I hereby certify that these Rules of Procedure were duly adopted as set forth above.

Secretary, Board of Zoning Appeals