

VIRGINIA BEACH BOARD OF BUILDING CODE APPEALS BYLAWS

ADOPTED: September 18, 2025

Article 1. Officers and Membership

- 1-1. The Board shall consist of seven (7) members and up to three (3) alternates, who shall be appointed by city council for a term of five (5) years.
- 1-2. The Board shall each January organize and elect a chair. In the event that the chairman is not present for a meeting, the members shall elect an acting chair for that meeting.
- 1-3. The chair shall preside at meetings and hearings and shall decide points of order or procedure, rule upon acceptance of evidence and oversee the record of all proceedings.
- 1-4. The acting chair shall assume the duties of the chair in the chair's absence.
- 1-5. The secretary shall handle correspondence subject to these rules at the direction of the board; shall send out notices required by these rules; shall keep the minutes of the board's proceedings; and shall keep a file on each appeal that comes before the board.

Article 2. Meetings

- 2-1. The Board shall conduct an organizational meeting each January. Additional meetings shall occur each April and September and at such other times as may be necessary to receive training and timely hear appeals.
- 2-2. Special meetings may be called by the chair, provided at least five (5) days written notice of such meeting is given each member and the applicable Virginia Freedom of Information Act requirements are adhered to.
- 2-3. A majority of the Board shall constitute a quorum.
- 2-4. Official actions shall be taken only when a quorum is present.
- 2-5. The Board reserves its full statutory authority, and shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of the majority of those present.

- 2-6. Any vote on any issue shall have no force or effect unless or until taken in open session in a manner in which the decision of each member can be publicly observed.
- 2-7. Any motion made by a member in regard to any matter must receive a second from another member in order for any vote to be taken on such motion. When a motion is made and receives no second, the motion shall be dismissed from consideration.
- 2-8. Every member present at a meeting of the body shall vote on each matter placed before the body for vote, unless the matter involves consideration of that member's own official conduct or where that member's financial interests are involved or where that member is otherwise prohibited by law from voting on the matter. Should a member have such an interest or be so prohibited by law, he or she shall specifically cite the conflicting interest or the legal prohibition at the time his or her vote is required.
- 2-9. The Board may adjourn a meeting if all applications or appeals cannot be disposed of on the meeting day, and no further notice shall be necessary for a continuation of such meeting.

Article 3. Procedure for Hearing Appeals

- 3-1. Any party aggrieved by a decision of the city official regarding the Virginia Uniform Statewide Building Code or the Virginia Statewide Fire Prevention Code may appeal to the Board and the application shall contain the name and address of the owner of the building or structure, the name and address of the Appellant when the Appellant is not the owner, a copy of the decision being appealed, the appeal application form, and a description of the grounds upon which the appeal is being made.
- 3-2. The Board shall meet no later than 30 calendar days after the date of receipt of a complete application for appeal, except a longer time period shall be permitted if agreed to by all parties involved in the appeal.
- 3-3. The secretary of the Board shall send a notice indicating the time, date, and place of the hearing, which shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all parties involved in the appeal. The secretary shall give notice including the time, date and place of the meeting to anyone requesting such information.

- 3-4. An application for appeal filed accordingly to the above shall be assigned an appeal number within five (5) days. Applications for appeals will be heard in the order they are received.
- 3-5. The final decision on any appeal to the Board shall be by written resolution signed by the chairman, which matches the minutes and accurately conveys the verbal decision voted upon by the Board, and that shall be final if no further appeal is made.
- 3-6. The Board shall notify the interested parties and the code official of the decision within seven (7) days after signing of the written decision by the chair, and in any event, within fourteen (14) days after the meeting in which the decision is made.
- 3-7. Official notice of the decision shall include copies of the resolution that shall be sent to all parties by certified mail, and which shall contain the following wording:
“Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371 – 7150.”

Article 4. Records

- 4-1. A complete file on each appeal shall be kept as part of the records of the Board.
- 4-2. All records of the Board shall be public records.