

# **BOARD OF PRESERVATION APPEALS**

## **RULES OF PROCEDURE**



**CITY OF HARTFORD, CONNECTICUT**

Adopted on 3-17-2008

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## **SECTION 1: GENERAL**

### **1.1 Establishment of the Board**

The Board of Preservation Appeals, hereinafter referred to as the "Board," was established by ordinance of the Court of Common Council, adopted and approved by Mayor Eddie A. Perez on May 24, 2005.

### **1.2 Purpose of the Board**

The purpose of the Board is to provide a regulatory entity to entertain appeals made by any person aggrieved by a final decision of the Historic Preservation Commission, hereinafter referred to as the "Commission", in regard to an application for approval.

### **1.3 Powers and Duties of the Board**

The Board has such powers, and will perform such functions, and will be subject to such limitations, as provided by Section 28-220, Challenges to Final Decisions, of the Ordinance Amending Chapter 28 of the Hartford Municipal Code, entitled Article XII Historic Preservation Commission, and as it may from time to time be amended.

The Board shall review and act upon all appeals made by persons aggrieved by a final decision of the Commission, in regard to an application for approval.

### **1.4 Action by Board to Prevent Illegal Acts**

The Department of Development Services, as staff of the Board, shall be designated to take action to enforce the Historic Preservation Ordinance.

### **1.5 Amendments**

Amendments, additions or revisions to these Rules of Procedure may be adopted by the Board at a Special Meeting

## **SECTION 2: ORGANIZATION OF THE BOARD**

### **2.1 Composition of the Board**

The Board shall consist of one (1) person appointed by the Mayor, one (1) person appointed by the Court of Common Council who is not a member of the Court of Common Council, and one (1) person appointed by the Historic Preservation Commission who is not a member of the Commission.

### **2.2 Officers and Duties**

The Board, by a majority of its membership, shall elect annually a chairperson and a vice chairperson from its own members. The secretary of the Board shall be the Director of Planning.

The Chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage of such affairs. The Chairperson shall have the authority to appoint committees and generally perform other duties as may be prescribed in these rules.

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Board shall select a new Chairperson.

The Secretary shall keep the records of the Board and shall act as Secretary to the meetings of the Board.

The Board shall keep a permanent record of its resolutions, transactions and determinations, and of the vote of each member participating therein.

The officers of the Board shall perform such additional duties and functions as may from time to time be required by the rules and regulations of the Board.

### **2.4 Compensation and Expenses**

The members of the Board shall serve without compensation, but shall be reimbursed for their necessary and reasonable expenses in the performance of their statutory duties.

## **SECTION 3: MEETINGS**

### **3.1 Types of Meetings**

Regular meetings shall be held on the fourth Monday of the month at 4pm. Special Meetings shall be held as needed to attend to administrative, organizational, or other matters.

### **3.2 Notice of Meetings**

Notice of regular meetings shall be filed annually at office of the Town & City Clerk. Special Meetings shall be called in accordance with the Freedom of Information Act.

### **3.3 Conduct of Meetings**

All Board meeting shall be open to the public and conducted in accordance with the State Freedom of Information Act, C.G.S. Sec. 1-200 et seq.

A majority of the membership of the Board (two) shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the members of the Board present. If an appeal is presented which does not receive affirmative votes from a majority of the members of the Board present, the appeal shall be deemed denied.

The voting on all questions coming before the Board shall be by voice vote of the members.

The order of business at meetings shall be:

- Call to order
- Approval of minutes of preceding meeting
- Acceptance of the notice to appeal to the Board
- Presentation of facts and the decision of the Historic Preservation Commission, presented by the Planning Division
- Presentation of the appeal by the appellant
- Comment by the Planning Division
- Discussion of the appeal by the Board
- Action on the appeal by the Board
- Adjournment

### **3.4 Evidence at Meetings**

The proceedings for each appeal, in addition to minutes taken by the Secretary, shall be recorded by a sound recording device.

Evidence eligible for presentation at Board meetings shall consist of the following:

- materials entered into the record during the Historic Preservation Commission's review of the original application
- the sound recording and minutes of the Commission meeting in which the original application was reviewed

All materials presented to the Board during the course of the meeting shall be recorded in an orderly manner and retained.

### 3.5 Conflicts of Interest

Board members are subject to the Code of Ethics (Hartford Code Sec. 2-456 et seq.) of the City of Hartford.

### 3.6 Public Hearings

Public hearings shall be held:

At the discretion of the Board or the Secretary of the Board, when significant concerns or questions arise relating to the administration of a historic property under review by the Board.

### 3.7 Legal Advertisement

Notice of the time and place for such hearing shall be given by publication in the form of a legal advertisement in a newspaper having a substantial circulation in Hartford, not more than 15 days or less than 5 days before such hearing.

The legal notice shall contain the purpose as well as the time, date, and place of the meeting.

## SECTION 4 APPEALS TO THE BOARD

### 4.1 General Requirements for Appeals

An appeal may be filed by any person aggrieved by a final decision of the Commission, in regard to an application for approval.

### 4.2 Timing of Appeals

Appeals to the Board must be made within fifteen (15) days of the decision of the Commission.

### 4.2 Appeal Forms

Applications for an appeal to the Board may be obtained from the Division of Planning or the Division of Licenses and Inspections within the Department of Development Services.

### 4.2 Fees for Appeal

There shall be no fee for filing an appeal with the Board.

### 4.4 Processing

Completed applications shall be returned to the Planning Division for processing.

Any application for appeal to the Board shall be placed on the agenda for the following Regular Meeting of the Board, which takes place a minimum of fifteen (15) days after the decision of the Commission.

All appellants shall be notified of the dates, times and locations of the meetings at which their applications will be heard.

### 4.5 Considerations in Deciding Appeals

#### 4.5.1 Criteria of Review

The Board will use same criteria of review as the Commission in deciding appeals: the Design Guidelines as approved by the City of Hartford, the Secretary of the Interior's Standards for Rehabilitation (36 CFR Sec. 7.7) as revised, and the Secretary's Guidelines for Rehabilitating Historic Buildings (revised in 1983). The standards noted and any successors thereto are hereby incorporated by reference into these rules of procedure.

#### 4.5.2 General Limitations

Appeals may be made to the Board to review a decision of the Commission, as it pertains to Section 4.3.4 of the Commission's Rules of Procedure, regarding General Limitations.

#### 4.5.3 Variances or Modifications

Appeals may be made to the Board to review a decision of the Commission, as it pertains to Section 4.3.5 of the Commission's Rules of Procedure, regarding Variances or Modifications.

#### 4.5.4 Criteria for Determination of Economic Hardship

Appeals may be made to the Board to review a decision of the Commission, as it pertains to Section 4.3.6 of the Commission's Rules of Procedure, regarding Criteria for Determination of Economic Hardship.

#### 4.6 Decisions

The Board will render a decision on the appeal no more than thirty (30) days after the initial meeting at which the appeal was presented. Any decision of the Board shall become effective immediately after it is rendered. The decision of the Board shall be transmitted to the appellant by means of a letter including the Resolution passed by the Board.