

Application Date: \_\_\_\_\_



Hearing Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Appeal # \_\_\_\_\_

**Storm Water Utility Appeals Board**  
**Application**

**Type of Appeal:** ESWU Rate \_\_\_\_\_ Credit \_\_\_\_\_

**Property Information:**

<b>Street address:</b>		<b>Sidwell Number:</b>	
<b>Owners name:</b>		<b>Phone # :</b>	
<b>Owners address:</b>		<b>Email:</b>	
<b>City: State:</b>		<b>Zip code:</b>	
<b>Contact person:</b>		<b>Phone #:</b>	

**Petitioner Information:**

<b>Petitioner name:</b>		<b>Phone #:</b>	
<b>Petitioner address:</b>		<b>Email:</b>	
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>	

**Required Attachments:**

- Original Certified Survey     Original Storm Water Credit application     Letter explaining reason for appeal
- Plan (to scale) documenting proposed changes for credit
- Percolation Test Data (if pertinent)
- Required Backup Information as listed for each ESWU reduction or Credit category

**General Information:**

Prior to submitting for a Storm Water Utility Appeals Board review, you must contact the Engineering Dept. for a preliminary discussion on your submittal. The deadline is the **15th** of the previous month.

The review fee is **\$50.00** for all appeals.

By signing this application I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF BIRMINGHAM**  
**STORM WATER UTILITY APPEALS BOARD**  
***RULES OF PROCEDURE***

**ARTICLE I - Appeals**

- A. Appeals may be filed under the following conditions:
1. A property owner or may appeal the decisions of City staff under three categories:
    - a. Equivalent Storm Water Unit (ESWU) Determination – Each property has been given an ESWU value. Single family residential properties are placed in a Class (A through F) based strictly on the size of the property. No modifications are made to the class for features or lack of features located on the property. Non-single family residential properties have an ESWU value placed on it based both on the size and nature of the improvements located on the property. If changes to the property during the previous calendar year require that the ESWU be changed as well, new values will be posted to the City’s website by February 15 of each year, and said values will be used for upcoming sewer and water billings starting July 1 of the following year. Owners who disagree with the determination may contact the Engineering Dept. for a new review. If they continue to disagree, they may appeal to the Board for a hearing no later than October 15 or March 15 for upcoming meetings.
    - b. Credit Application - Property owners may apply for credits if various features are added to the property, based on the information contained on the City’s website. Credits for properties will be awarded when a plan is submitted demonstrating a true change in the level of runoff will be achieved. For example, rain barrels installed in the rear of a house to hold runoff from a roof that did not drain to a sewer will not be awarded credits. If they wish to appeal the findings of the Engineering Dept., they may appeal to the Board for a hearing no later than October 15 or March 15 for upcoming meetings.
    - c. Low Impact Development (L.I.D.) ESWU Determination – If an owner of a non-single family residential property wishes to consider what level of difference a possible change to their property would have on their ESWU, they may submit a draft plan to the Engineering Dept. for review. A value will be provided, at which time they may choose to prepare full plans and submit for a building permit if desired. If they wish to appeal the findings of the Engineering Dept., they may appeal to the Board for a hearing no later than October 15 or March 15 for upcoming meetings.
  2. Owners who disagree with any of the above determinations may contact the Engineering Dept. for a new review. If they continue to disagree, they may appeal to the Board for a hearing no later than October 15 or March 15 for upcoming meetings.
- B. Procedures of the Storm Water Utility Appeals Board (SWAUB) are as follows:
1. Regular SWAUB meetings, which are open to the public, shall be held on the third week of the months of March and November, at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken

in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, a second special meeting will be scheduled the following month to provide for a hearing.

2. All applications for appeal shall be submitted to the Engineering Department on or before the 15<sup>th</sup> day of March or October preceding the next regular meeting. If the 15<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
3. If the application is incomplete, the applicant will be notified by the Engineering Dept. If satisfactory corrections are not made, the SWAUB may refuse to hear the appeal. The Engineering Dept. may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
4. In appeals requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a misunderstanding of how the determination should be calculated.

C. The order of hearings shall be:

1. Presentation of official records of the case by the Engineering Dept. as presented on the application form.
2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
3. Interested parties' comments and view on the appeal.
4. Rebuttal by applicant.
5. The SWAUB may make a decision on the matter or request additional information.

## **ARTICLE II - Results of an Appeal**

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall be final. A person aggrieved by a decision of the appeals board on an appeal under this section may appeal to the circuit court in which the property is located. An appeal to the Circuit Court must be filed within thirty (30) days of the appeals board's decision.

- C. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the SWAUB.
- D. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- E. Any decision of the Board favorable to the applicant is tied to the plans and/or information submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

**ARTICLE III - Rehearings**

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
- B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

\_\_\_\_\_  
Signature of Applicant