

GUIDELINES FOR BOARD OF APPEALS MEETINGS

1. **CALL MEETING TO ORDER:** Chair: *“This meeting of the Board of Appeals is called to order at (time).”*

2. **ROLL CALL:** Chair asks secretary to call the roll. Afterwards Chair states that a quorum is **“present”** or **“not present”** (5 members are needed for a quorum).

3. **ANNOUNCEMENT OF AGENDA:** Chair reads the following statement:

“The Board meeting and the public hearings to be considered this evening are open to the public, which means that anyone present may speak, providing they identify themselves.”

(Chair then reads agenda).

4. **APPROVAL OF MINUTES:**

Chair asks if any Board members have any changes they would like made to the minutes. Chair asks for a motion and 2nd to approve minutes **“as submitted”** or **“as amended”**.

5. **DESCRIPTION OF BOARD’S AUTHORITY AND RULES OF HEARING:**

“The City of Beloit Board of Appeals is an appellate board required by State law in any municipality, which has adopted a zoning ordinance. The Board is a quasi-judicial body whose purpose is to give full and fair hearing to any person whose property interests are directly or adversely affected by the provisions of the zoning ordinance or an interpretation of the ordinance by the local administrative officials. The Board does not have authority to amend or repeal any provision of the zoning ordinance. Its sole authority is to interpret the ordinance and apply its provisions to the factual situation presented.

In each case, the City will recommend approval or denial of the variance request. However, the Board may follow, modify, or completely reverse the City staff’s recommendation.

The Board is interested in hearing all pertinent evidence. Witnesses in favor of the appeal or application will be called following the staff report, those opposed second, and persons in interest last. After each witness has appeared, they may be cross-examined by the Board, the applicant, and the City staff. Persons present who are not appearing as witnesses will be allowed to propose relevant questions to the Board. However, the Chair reserves the right to rule on relevancy. Because a record of this hearing is being tape recorded, it is imperative that each witness or speaker state their name and address and their interest in the subject matter of this hearing before speaking and speak into the microphone at the podium.”

“We will not at this time, impose any time limits on the presentations. However, we request that you avoid repetition and limit your comments to the subject matter being considered. Neither the Board nor the public will benefit from hearing statements that repeat opinions, which have already been expressed, or that relate to matters other than the case before the Board. Personal attacks, abusive, belligerent, or badgering testimony and gross hearsay, rumor or gossip will be ruled out-of-order by the Chair.”

6. PUBLIC HEARING: (This step is repeated for each agenda item)

“The hearing on the variance (appeal) of (case # and applicant name) is hereby opened and called to order.”

A. Confirmation of Public Notice: *“Mr. Pennington, have the news media, general public, applicant and property owner been notified of this hearing?”*

B. Reading of administrative decision and staff report.

“Mr. Pennington, would you please read the staff report and recommendation?”

C. Questions:

“Do any Board members wish to question Mr. Pennington concerning the staff report?”

“Do you Mr./Mrs. (applicant) wish to question Mr. Pennington?”

“Does anyone else wish to question Mr. Pennington?”

D. Statements: *“Does the applicant wish to speak concerning this variance (appeal)?”*

❖ When required for contested cases, administer the oath on page 3.

“Does anyone wish to speak in favor of the requested variance (appeal)?”

❖ When required for contested cases, administer the oath on page 3.

“Does anyone wish to speak in opposition to the requested variance (appeal)?”

❖ When required for contested cases, administer the oath on page 3.

E. Last call for testimony: Chair: *“Is there any further testimony to be heard regarding this case? If not, Chair says: “I hereby declare this hearing closed.””*

7. **BOARD DISCUSSION AND REVIEW OF CASE:** The Board discusses the facts of the case and whether any conditions might be appropriate to protect the public or adjacent property owners if the variation (or appeal) is granted.

8. **BOARD DECISION:**

When ready a Board member makes a motion to **deny**, **approve**, or **approve with conditions** the requested variation (or appeal).

Chair should announce **who made the motion** and **who seconded the motion** and then ask:

All those in favor say “**I**”

All those opposed say “**Nay**”:

Chair should **announce the results** of the vote just taken.

Then Chair reads the appropriate following statement:

(If approved):

You will be receiving, by mail, a copy of the Board’s Findings of Fact, Conclusions of Law and Decision and Order. Since the Board granted your variance, at your convenience, you may contact the Building Inspection division to obtain the necessary permit(s) to proceed with the project.

(If denied):

You will be receiving, by mail, a copy of the Board’s Findings of Fact, Conclusions of Law and Decision and Order. Since your request has been denied, you will also receive information on your rights of appeal and how to proceed with an appeal, if you elect to do so.

❖ **ADMINISTRATION OF OATHS: (for contested cases)**

Please raise your right hand and answer truthfully to the following oath.

(Witness raises right hand)

“Do you solemnly, sincerely and truly declare and affirm that the testimony you shall give in this hearing shall be the truth, the whole truth and nothing but the truth; and this you do under the pain and penalty of perjury?”

(Witness answers: “**I do**”)

(Board members may then question the witness)