



**PUBLIC NOTICE & AGENDA
BELOIT BOARD OF APPEALS
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Tuesday, May 9, 2023**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the December 13, 2022 Board of Appeals meeting
[Attachment](#)
3. APPEALS
No appeals have been submitted.
4. VARIANCES
No variance requests have been submitted.
5. SUCH OTHER MATTERS AS MAY BE AUTHORIZED BY LAW
 - 5.a. Consideration of Resolution approving the amendment to the Rules of Procedure
[Attachment](#)
6. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

MINUTES
CITY OF БЕLOIT BOARD OF APPEALS
City Hall Forum, 100 State Street, Beloit, WI 53511
7:00 PM
Tuesday, December 13, 2022

1. CALL TO ORDER AND ROLL CALL

A meeting of the City of Beloit Board of Appeals was held on Tuesday, December 13, 2022, in The Forum of Beloit City Hall, 100 State Street. Chairperson David Baker called the meeting to order at 7:01 PM. Hilary Rottmann, Planner II, called the roll. Present were: Dustin Gronau, John Petersen, David Baker, Mark Preuschl, and Susan Adams.

2. ELECTION OF OFFICERS

Ms. Adams nominated Mr. Baker as Chair, which was seconded by Mr. Preuschl. Mr. Baker accepted the nomination. The motion passed (5-0), voice vote. Mr. Gronau nominated Ms. Adams as Vice-Chair, which was seconded by Mr. Preuschl. Ms. Adams nominated Mr. Gronau, no second was provided. Motion fails. Ms. Adams accepted the nomination. The motion passed (4-1), voice vote. Ms. Adams nominated Mr. Gronau as 2nd Vice-Chair, which was seconded by Mr. Preuschl. Mr. Gronau accepted the nomination. The motion passed (5-0), voice vote.

3. APPROVAL OF MINUTES

3.a. Consideration of the Minutes of the April 6, 2022 Meeting

Mr. Preuschl made a motion to approve the April 6, 2022 minutes as submitted. Mr. Gronau seconded the motion. The motion passed (5-0), voice vote.

3.b. Consideration of the Minutes of the April 12, 2022 Meeting

Mr. Peterson made a motion to approve the April 12, 2022 minutes as submitted. Ms. Adams seconded the motion. The motion passed (5-0), voice vote.

3.c. Consideration of the Minutes of the April 21, 2022 Meeting

Mr. Baker made a motion to approve the April 21, 2022 minutes as submitted. Mr. Gronau seconded the motion. The motion passed (5-0), voice vote.

4. PUBLIC HEARINGS (VARIANCE REQUESTS)

4.a. Consideration of an application from Tamera Putnam for an Area Variance to Sections 7.3 of the City of Beloit Zoning Ordinance to allow an attached garage within a side and rear yard setback area in a C-1, Office District, for the property located at 417 Liberty Avenue

Ms. Rottmann reviewed the staff report. The Board did not have any questions on the staff report. The public hearing was opened at 7:04 PM. Ms. Putnam stated that she has had multiple break-ins to her work vehicles, and equipment has been stolen. The size of the vehicles requires a larger door opening than the norm. The lot is too small

for a detached garage to meet setbacks and fit the vehicles. Rodney Bock, property owner of 423 Liberty Avenue to the west of the subject property stated that he was in favor of granting the variance. The public hearing closed at 7:16 PM.

Mr. Peterson indicated that he was in favor of the variance. Mr. Baker clarified the property boundaries and how far the garage would be set back from the east property line. Mr. Preuschl stated this project fits the criteria for granting a variance, and he was in favor of approval. Mr. Gronau believes this is needed for the business to continue.

Ms. Adams made a motion to approve the Area Variance to Sections 7.3 of the City of Beloit Zoning Ordinance to allow an attached garage within a side and rear yard setback area in a C-1, Office District, for the property located at 417 Liberty Avenue as presented. Mr. Peterson seconded the motion. The motion passed (5-0), voice vote.

5. CONSIDERATION OF PROPOSED CHANGES TO BOARD'S RULES OF PROCEDURE

5.a. Rules of Procedure

Mr. Pennington, Economic Development Director, provided a summary of the Rules of Procedure. He explained that this was an item for their review and would be acted on at a future meeting. He indicated some changes were required to be in compliance with City Ordinance and State Statutes. The attorneys that represented the city during this case suggested these updates.

Mr. Pennington asked the Board to consider Article Four, regarding contested case hearing. This portion of the Rules is proposed for removal. This section allowed the hearing to run like a circuit court proceeding, having this within the rules is not required by city ordinance or state statute and has a significant cost associated with it. The board was in favor of reviewing and amending the rules and procedures at a future date.

6. ADJOURNMENT

Ms. Adams made a motion to adjourn, which was seconded by Mr. Petersen. The meeting adjourned at 7:28 PM.

David Baker, Chairperson

CITY OF BELOIT

REPORTS TO BOARD OF APPEALS



Meeting Date: May 9, 2023

Agenda Item: 5a

File Number: BOA-2023-01

Applicant: Not Applicable

Owner: Not Applicable

Location: Not Applicable

Existing Zoning: Not Applicable

Existing Land Use: Not Applicable

Parcel Size: Not Applicable

Request:

The attorneys who represented the City during the appeal by Beloit Health System provided some suggestions for modifications to the Rules of Procedure that had not been updated since 2000. The City Attorney reviewed those suggestions and has recommended a complete rewrite of the Rules of Procedure.

Request Overview/Background Information:

The Rules of Procedure

Key Issues:

1. Section 1.77 of the Code of General Ordinances indicates that the Board of Appeals may adopt Rules of Procedure and then shall submit them to City Council for approval. The Board shall then review them annually. Staff would suggest reviewing them at your annual Board meeting each year in the future.
2. The 2000 Rules of Procedure no longer comply with state law or local ordinances; therefore, they need to be updated.
3. The proposed Rules of Procedure outline how the board will operate, members will be appointed, and how applications should be processed. The proposed Rules comply with the State law and local ordinances that deal with matters of the Board of Appeals. Attached to the staff report is the proposed Rules of Procedure as amended and the 2000 Rules of Procedure.
4. The amendment section of the Rules of Procedure requires the Board to receive the amended Rules 10 days prior to taking action. The Rules will be posted on the City’s website and a link sent to all Board members on April 28, which is more than 10 days prior to your regular meeting on May 9, 2023. If the Rules are approved by the Board on May 9, we will put them on the June 5, 2023 City Council agenda for approval.

Consistency with the Comprehensive Plan

Not Applicable.

Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

Staff Recommendation

- Staff recommends approval of the proposed Rules of Procedure

Fiscal Note/Budget Impact

N/A

Attachments

Resolution, 2023 Rules of Procedure, and 2000 Rules of Procedure

RESOLUTION 2023-01

RESOLUTION APPROVING THE AMENDMENT TO THE RULES OF PROCEDURE

WHEREAS, Section 1.77 of the Code of General Ordinances of the City of Beloit allow for the approval of Rules of Procedure for the Board of Appeals; and

WHEREAS, the Board of Appeals had previously had Rules of Procedure which no longer complied with state law or local ordinances; and

WHEREAS, the proposed Rules of Procedure comply with both state law and local ordinances and have been provided to the Board of Appeals members at least 10 days prior to May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Appeals of the City of Beloit does hereby approve the attached Rules of Procedure.

Adopted this 9th day of May, 2023.

BOARD OF APPEALS

David Baker, Chairperson

Attest:

TJ Nee, Director of Planning and Building Services



BOARD OF APPEALS

RULES OF PROCEDURE

Revised ____, 2023

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I. GENERAL GOVERNING RULES

The Board of Appeals (Board) of the City of Beloit, Wisconsin shall be governed by the Zoning Law as contained in section 62.23 of the Wisconsin Statutes and the Zoning Ordinances of the City of Beloit, as amended, and by the Rules of Procedure hereinafter set forth. Whenever any conflict shall exist between these Rules and the laws of the State or the ordinances of the City, the State laws and local Ordinances shall prevail.

II. MEMBERSHIP

The Board shall consist of seven members appointed by the President of the City Council, subject to the confirmation of the City Council. The members term shall be for a period of three years beginning on June 1 of the first year and ending on May 31 of the third year. The Council President shall designate alternate members. Vacancies shall be filled for the unexpired term of a former member of the Board the same as appointments for a full term.

III. OFFICERS AND DUTIES

A. Selection of Officers

The board shall elect a chair, a vice chair and second vice chair annually at the board's first meeting in June. The board shall submit the chair's name to the City Clerk immediately after selection.

B. Duties

The chair shall preside over all meetings of the board. The vice chair shall preside over the meetings in the chair's absence and the second vice chair shall preside in the absence of both the chair and vice chair. In the absence of the chair, vice chair and second vice chair, a president pro tem shall be chosen from those present and shall preside. The presiding officer may compel the attendance of witnesses and administer oaths.

C. Staff Support

The Community Development Department shall provide staff support services to the board. The staff support person shall conduct all correspondence of the Board; receive, file, and docket all appeals, applications, papers and records; prepare, publish, and mail all notices required by law, ordinance, rule or request of the Board or Chair; prepare and keep calendars, minutes of Board proceedings; and, generally, attend to all administrative work of the Board. The minutes shall include the vote of the Board upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Community Development Department. The staff person shall transmit a written copy of the minutes and records of the board to the City Clerk. The City Clerk shall be the custodian of the records of the board.

The Director of Planning and Building Services or designee shall attend all meetings for the purpose of providing technical assistance when requested by the Board. Such technical assistance shall include a staff report setting forth the position of the Director of Planning and Building Services or designee in relation to each appeal or application

listed on the agenda for consideration by the Board. Said staff report shall be available for the examination of the appellant or applicant and all interested parties.

D. Oaths of Office

Official oaths shall be taken by all members in accordance with section 19.01 of Wisconsin Statutes. A Statement of Economic Interest must be filed in accordance with section 1.12(3) City of Beloit Code of General Ordinances.

IV. MEETINGS

A. Regular Meetings

Regular meetings of the Board shall be held on the second Tuesday of each month.

B. Special Meetings

Special meetings may be called by the Chair, or at the request of two Board members. Notice of a special meeting must be sent to each member at least 48 hours prior to the time set for the meeting. Electronic mail shall be the method of communication.

C. Annual Meeting

The first regular meeting in June shall be the Board's annual meeting at which its officers shall be elected.

D. Open to the Public

All meetings of the Board shall be open to the public, except that the Board may go into closed session, pursuant to Section 19.85(1)(a), Wisconsin Statutes, to discuss cases and arrive at its decision. The decision and vote shall be announced in open session.

E. Cancellation of Regular Meetings

Whenever there are no cases or other business to be considered at any regular meeting, other than the annual meeting, the meeting may be cancelled by notifying each member by electronic mail after the deadline to file for the meeting.

F. Hearings

Hearings may be held at any regular or special meeting, at any time set by the Chair.

G. Quorum

A quorum for any meeting shall consist of five members; but a lesser number may meet and adjourn to a specified time.

H. Order of Business

The order of business at regular meetings shall be substantially as follows:

1. Call to Order and Roll Call
2. Minutes

3. Variances
4. Appeals
5. Such Other Matters as May be Authorized by Law
6. Adjournment.

I. Voting

1. Personal Interest. No Board member shall take any official action, including participating in and voting upon, any matter in which the Board member, or a member of his or her immediate family, or an organization, with which the Board member is associated, has a substantial financial interest. Nor shall any member use their position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the Board member, or a member of his or her immediate family, or an organization with which the Board member is associated.

In the event a Board member cannot serve, the Chair shall direct the alternate member to act in his or her stead. Disqualification of a member for interest shall not decrease the number of votes required for action upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business. If five financially disinterested Board members are not available to transact business, the business shall be adjourned until such time as five financially disinterested Board members are available. Any issue of financial interest shall be brought to the attention of the Chair prior to the hearing of the appeal in question. In the event a Board member has a possible conflict, the Chair shall be asked to make a determination. If the Chair has an issue of a possible conflict, it shall be referred to the Vice-Chair, or to the Board if no Vice-Chair has been approved.

2. Record of Vote. A record of the vote of each member on every question shall be recorded in the minutes, or, if the member is absent or fails to vote, shall indicate such fact in the record of the proceedings.

V. APPEALS AND APPLICATIONS

A. Time of Appeal

Appeals shall be filed within 30 days after the date of receipt of the written decision or order from which the appeal is taken. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Saturdays, Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.

B. Who May Appeal

Appeals or applications to the Board may be made by:

1. Any person aggrieved by an order, requirement, decision or determination of an administrative official of the City in the Administration of the Zoning Code.

2. Any officer, department, board, or bureau of the City affected by a decision of an administrative official of the City in the Administration of the Zoning Code.

C. Appeal/Application Forms

Every appeal or application shall be made upon forms furnished by and available from the Community Development Department. A scale drawing shall accompany each application for a variance showing the location and size of the property, existing improvements, all abutting properties and improvements thereon and change or addition requested. The applicant or appellant shall provide all information requested on the form and any additional information requested in writing by the Chair which is necessary to inform the Board of the facts of the appeal. Failure to supply such information shall be grounds for dismissal of the appeal or application. The Board may waive these requirements where it is felt that such information is not necessary in order to reach a determination.

D. Filing Appeal/Application

All appeals/applications shall be filed with the Community Development Department.

E. Fee

Appeals and applications filed with the Community Development Department shall be accompanied by the required filing fee. No fee shall be refunded after the appeal has been filed except that in the event of an error by Board staff.

VI. HEARINGS

A. Notice of Hearing

Notice of the time, date and place of the hearing of an appeal or application shall be given in the following manner:

1. To the appellant/applicant by electronic mail or personal service not less than five days prior to the date of the hearing. The notice shall contain a listing of the date, time, and place of the hearing. A copy of the City's staff report shall be electronically mailed to the appellant/applicant no less than five days prior to the date of hearing.
2. In every case involving a variance, city staff shall mail notice to the owners of record of all land within 150 feet of any part of the proposed building or premises not less than seven days prior to the date of the hearing.
3. A Class I notice of the hearing shall be published in the official newspaper not less than seven days prior thereto. The Beloit Daily News shall be considered the official newspaper.
4. Notice of all appeals and petitions for variances under the Flood Plain District

of the Zoning Ordinance and a copy of all decisions by the Board of Appeals shall be mailed to the Southern District office of the Wisconsin Department of Natural Resources at least ten days in advance of the hearing and within ten days after the decision.

B. Time of Hearing, Docketing

Each appeal or application properly filed shall be numbered serially, and put on the Board calendar. Cases docketed 25 or more days preceding a regular meeting shall be set for hearing at such meeting. Cases docketed less than 25 days prior to a regular meeting shall be set for hearing on the next regular meeting day thereafter.

C. Appearance

The appellant or applicant may appear in person or by his agent or attorney. In the absence of an appearance for or against an application, the Board may dismiss the appeal or may dispose of the matter on the records before it.

D. Oath

Witnesses may be sworn before testifying at the direction of the presiding officer.

E. Compelling Attendance of Witnesses

The presiding officer may compel the attendance of witnesses by subpoena. Written request for subpoenas must be filed with the staff support for the Board not less than five days prior to the hearing, except by special permission of the presiding officer.

F. Order of Hearing

Appeals and applications shall be heard in numerical order, except by order of the Board on good cause shown.

G. Order of Business

The order of business shall generally be as follows:

1. Calling of the case by the presiding officer
2. Statement of the case and presentation of the City's side of the case
3. Questions by Board members
4. Applicant's side of the case
5. Questions by Board members
6. Statements by interested persons
7. Questions by Board members
8. Applicant's, staff, and interested persons rebuttal

The presiding officer may determine an alternate order of business depending upon the facts of a particular hearing.

H. Evidence and Official Notice

The Board shall not be bound by strict rules of evidence, not limited to consideration

of such evidence as would be admissible in a court of law, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The presiding officer shall rule on all questions relating to the admissibility of evidence, but may be overruled by a majority of the Board members present. Written and oral testimony will be received. The presiding officer shall rule on cross-examination of any witnesses.

The Board may take official notice of the ordinances of the municipality, the zoning and location of the subject property and geographical features or other facts, which are common knowledge in the municipality or can be verified by reference to public record.

I. Adjournments

When all appeals cannot be disposed of on the day set, the Board may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board.

J. Withdrawal

An appellant may withdraw an appeal at any time prior to decision thereon, but if a motion is pending to grant or dismiss the appeal, such motion shall have precedence. Withdrawal of the appeal shall not entitle the applicant or appellant to remission of the filing fee.

VII. DECISION AND DISPOSITION OF CASES

A. Time of Decision

The Board shall render its decision either at the termination of the hearing or within 30 days thereafter. Staff support to the Board shall notify the parties in interest in writing of the Board's decision.

B. Form of Decision

The final disposition of an appeal or application shall be in the form of a written decision or order signed by the presiding officer. Such decision shall state the reasons for the Board's determination, with findings of fact and conclusions of law, and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the variance requested.

C. Vote Required

All orders or decisions of the Board granting a variance or affirming or reversing any action or order of an administrative officer shall require the affirmative vote of the majority of members present, including alternates empowered to act in the absence of regular members.

D. Conditions

Conditions imposed as part of approval of any application considered by the Board shall be stated in the decision or order embodying the Board's decision and shall be set forth in the applicable permit issued. A permit shall be valid only as long as the conditions upon which it is granted are observed. Appeals or applications approved by the Board shall expire six months after issuance if the performance of work is required and substantial work has not commenced.

E. Filing of Decision

Every order or decision of the Board shall be immediately filed with and maintained in the Community Development Department. Staff Support for the Board shall mail a copy of the decision to the applicant or appellant and to the applicable administrative official. Copies of decision granting variances in a floodplain ordinance shall be mailed to the Southern District office of the Wisconsin Department of Natural Resources.

F. Appeal From Decision of the Board

A decision of the Board of Appeals may within 30 days after the filing of the decision in the office of the Board of Appeals commence an action seeking to remedy available by certiorari as provided by Wisconsin Statutes.

VIII. RECONSIDERATION AND REHEARING

A. Resubmission

No appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one year of the Board's decision except pursuant to court order or by motion to reconsider made by a member voting with the majority or as provided in subparagraph (B).

B. Rehearing

No rehearing shall be held except upon the affirmative vote of four or more members of the Board upon finding that substantial, new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for a rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams.

C. Notice

Any resubmission or rehearing shall be subject to the same notice requirements as original hearings.

D. Fees

In the event that the request for resubmission or rehearing shall come from a member of the Board, there shall be no filing fee required. In the event the request for resubmission or rehearing shall come from any other person, not a member of the Board, a filing fee as required for original applications shall accompany the request.

IX. AMENDMENTS

These rules may be amended or revoked by a majority vote of the Board at any meeting, provided written notice of the proposed amendment or change is given to each member at least ten days before such meeting. Suspension of the rules may be ordered at any meeting by a majority vote of the members present, including alternates empowered to act in the absence of regular members.

CITY OF BELOIT, WISCONSIN

ARTICLE I GENERAL GOVERNING RULES

1. The board shall be governed by the following laws and ordinances:
 - a. The zoning law of the State of Wisconsin, Section 62.23, Wisconsin Statutes.
 - b. Section 1.32 of the Code of General Ordinance relating to the creation of the Board of Appeals.
 - c. The City of Beloit Housing-Property Maintenance Code, Chapter 7 of the Code of General Ordinances.
 - d. The City of Beloit Building Code, Chapter 9 of the Code of General Ordinances.
 - e. Section 11.23(7) of the Code of General Ordinances relating to driveway permits.
 - f. Section 12.24 (8) of the Code of General Ordinances relating to building permits within official right-of-way lines.
 - g. Section 15.25 of the Code of General Ordinances relating to the Land Management Plan.
 - h. The City of Beloit Zoning Ordinance, Chapter 19 of the Code of General Ordinances.
 - i. The City of Beloit Floodplain District of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances.
 - j. The City of Beloit Sign Control Regulations, Chapter 30 of the Code of General Ordinances.
 - k. The Rules of Procedure hereinafter set forth.
 - l. Such other codes as may be authorized by law.
2. Whenever any conflict exists between these Rules of Procedure and the laws of the State or City, State laws and local ordinances shall prevail in that order.
3. All references are to the current Wisconsin State Statutes and City of Beloit municipal ordinances.

ARTICLE II MEMBERSHIP

1. The Board shall consist of seven members appointed by the President of the City Council, subject to the confirmation of the City Council. The members term shall be for a period of three years, except that of those first appointed, two shall serve for one year, two for two years, and three for three years. The members shall serve without compensation.
2. The officers and duties of the Board shall be as follows:
 - a. Chair: Shall be appointed by the President of the City Council, subject to the confirmation of the City Council. The Chair shall preside at all meetings of the Board, supervise the work of the Secretary, and decide all points of procedure unless otherwise directed by a majority vote of the Board.
 - b. Vice-Chair: Shall be selected by a majority vote of the Board at the Board's annual meeting and shall preside at meetings in the absence of the Chair.
 - c. Second Vice-Chair: Shall be selected by a majority vote of the Board at the Board's annual meeting and shall preside at meetings in the absence of the Chair and Vice-Chair.
3. Ex-officio members of the Board are as follows:
 - a. Secretary: Shall be the Director of Community Development or his/her designee. The Secretary shall attend to all clerical work of the Board including but not limited to the following:
 1. Receive, file, and docket all appeals and applications.
 2. Receive and file all papers and records plus conduct all correspondence for the Board.
 3. Prepare, publish, and mail all notices required.
 4. Prepare and keep all minutes and records of the Board's proceedings.
 5. Prepare and keep the Board's calendar.
 - b. The Planning Director or his/her Designee: Shall attend all meetings for the purpose of providing technical assistance when requested by the Board. Such technical assistance shall include a staff report setting forth the position of the Planning Director or his/her designee in relation to each appeal or application listed on the agenda for consideration by the Board. Said staff report shall be available for the examination of the appellant or applicant and all interested parties.
4. Official oaths shall be taken by all members in accordance with Section 19.01 of Wisconsin Statutes. A Statement of Economic Interest must be filed in accordance with Section 1.46(3) City of Beloit Code of General Ordinances.
5. Vacancies shall be filled for the unexpired term of a former member of the Board the same as appointments for a full term.

ARTICLE III MEETINGS

1. Regular Meetings: Regular meetings of the Board shall be held on the second and fourth Tuesday of each month, except for the months of November and December when meetings will be scheduled for the second Tuesday only, and at times as the Board may determine.
2. Special Meetings: Special meetings may be called by the Chair, or by the Secretary at the request of two members. Notice of a special meeting must be mailed to each member at least 48 hours prior to the time set for the meeting, or announcement of the meeting must be made at any meeting at which all members are present.
3. Annual Meeting: The first regular meeting in June shall be the Board's annual meeting at which its officers shall be elected.
4. Open to the Public: All meetings of the Board shall be open to the public, except that the Board may go into closed session, pursuant to Section 19.85(1)(a), Wisconsin Statutes, to discuss cases and arrive at its decision. The decision and vote shall be announced in open session.
5. Cancellation of Regular Meetings: Whenever there are no cases or other business to be considered at any regular meeting, other than the annual meeting, the Secretary may cancel such meeting by notifying each member by mail after the deadline to file for the meeting.
6. Hearings: Hearings may be held at any regular or special meeting, at any time set by the Chair.
7. Quorum: A quorum for any meeting shall consist of four members; but a lesser number may meet and adjourn to a specified time.
8. Order of Business: The order of business at regular meetings shall be substantially as follows:
 - a. Roll call and declaration of a quorum.
 - b. Consideration and approval of minutes from the previous meeting.
 - c. Unfinished cases or business.
 - d. Hearing of new cases.
 - e. Previously noticed closed session to deliberate on cases heard by the Board.
 - f. Previously noticed reconvened open session to vote on cases considered in closed session.
 - g. New business.
 - h. Communications and miscellaneous business.
 - i. Adjournment.
9. Voting:
 - a. Personal Interest: No Board member shall participate in the decision of, or vote upon, any case in which the member is financially interested, directly or indirectly. Disqualification of a member for interest shall not decrease the number of votes required for action upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
 - b. Record of Vote: The Secretary shall record the vote of each member on every question in the minutes, or, if the member is absent or fails to vote, shall indicate such fact in the record of the proceedings.

ARTICLE IV APPEALS AND APPLICATIONS

1. Time of Appeal: Appeals shall be filed within 30 days after the date of receipt of the written decision or order from which the appeal is taken, except in the case of appeals from the Housing-Property Maintenance Code in which case the appeal must be filed within 10 days after date of receipt. The appeal shall be filed with the Secretary. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Saturdays, Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
2. Who May Appeal: Appeals or applications to the Board may be made by:
 - a. The owner, mortgagee, purchaser under a land contract, optionee or occupant under a written lease for one year or more of the property for which relief is sought.
 - b. Any officer, department, board, or bureau of the City affected by a decision of the administrative official.
 - c. Any person aggrieved and whose use and enjoyment of property within the city is directly and adversely affected by a decision or order of the administrative official.
3. Appeal and Application Forms: Every appeal or application shall be made upon forms furnished by the Secretary and available from the City Building Inspections Division, which have been approved by the Board. A scale drawing shall accompany each form showing the location and size of the property, existing improvements, all abutting properties and improvements thereon and change or addition requested. The applicant or appellant shall provide all information requested on the form and any additional information requested in writing by the Chair or Secretary which is necessary to inform the Board of the facts of the appeal. Failure to supply such information shall be grounds for dismissal of the appeal or application. The Board may waive these requirements where it is felt that such information is not necessary in order to reach a determination.
4. Filing Appeal or Application: The appellant or applicant shall file the required appeal form with the Building Inspections Division. Upon receipt of an appeal form, the Building Inspections Division shall transmit to the Secretary of the Board all papers constituting the record upon which the appeal is being taken.
5. Election to Have Appeal or Application Handled as a Contested Case: The applicant or appellant may elect to have the appeal or application handled as a contested case. The appeal or application form shall explain that a contested case includes the right of all parties to cross-examine witnesses, to object to improper evidence, and to have a record of the proceedings made by a court reporter, qualified stenographer, or by tape recording. Election to have the matter treated as a contested case must be made in writing at the time of filing of the appeal or application.
6. Fee: All appeals and applications filed with the Secretary shall be accompanied by a receipt from the City treasurer showing payment of the filing fee. If the appellant or applicant elects the contested case method, he/she shall also pay the amount determined by the Board to cover the additional administrative costs involved.
7. Insufficient Notice: No appeal or application shall be considered by the Board unless it is made on the required form. Upon receipt of any communication purporting to be an appeal or application, the Building Inspections Division shall supply the applicant with the proper forms, which must be filed within 10 days in addition to the time for appeals in order to be considered by the Board.

ARTICLE V HEARINGS

1. Notice of Hearing: Notice of the time, date and place of the hearing of an appeal or application shall be given in the following manner:
 - a. The appellant or applicant shall receive a copy of the completed application, which they are required to submit. The application shall contain a listing of the date, time, and place of the hearing. Also, a second notice of the meeting and copy of the City's staff report shall be mailed to the appellant or applicant at least five days prior to the date of the hearing.
 - b. In every case involving an appeal, the Secretary shall mail notice to the owners of record of all land within 100 feet of any part of the proposed building or premises not less than 10 days prior to the date of the hearing.
 - c. A notice of the hearing shall be published in the official newspaper not less than ten days prior thereto. The Beloit Daily News shall be considered the official newspaper.
 - d. Notice of an application for construction of a building in the bed of a future street, highway, or parkway shall be published in the official newspaper not less than 15 days prior to the hearing.
 - e. Notice of all appeals and petitions for variances under the Flood Plain District of the Zoning Ordinance and a copy of all decisions by the Board of Appeals shall be mailed to the Southern District office of the Wisconsin Department of Natural Resources at least 10 days in advance of the hearing and within 10 days after the decision.
2. Time of Hearing, Docketing: Each appeal or application properly filed shall be numbered serially, docketed in a special book provided therefor and placed upon the calendar by the Secretary. Cases docketed 14 or more days preceding a regular meeting shall be set for hearing at such meeting. Cases docketed less than 14 days prior to a regular meeting shall be set for hearing on the second regular meeting day thereafter.
3. Appearance: The appellant or applicant may appear in person or by his agent or attorney. In the absence of an appearance for or against an application, the Board may dismiss the appeal or may dispose of the matter on the records before it.
4. Oath: Witnesses may be sworn before testifying by the Chair or Vice-Chair.
5. Compelling Attendance of Witnesses: The Chair may compel the attendance of witnesses by subpoena. Written request for subpoenas must be filed with the Secretary not less than 2 days prior to the hearing, except by special permission of the Chair.
6. Order of Hearing: Appeals and applications shall be heard in numerical order, except by order of the Board on good cause shown.

ARTICLE V HEARINGS (continued)7. Order of Business:

- a. General Hearing: At a general hearing, the order of business shall be as follows:
 1. Calling of the case by the Chair.
 2. Statement of the case and presentation of the City's side of the case by the staff.
 3. Questions by Board members.
 4. Applicant's side of the case.
 5. Questions by Board members.
 6. Statements by interested persons.
 7. Questions by Board members.
 8. Applicant's, staff, and interested persons rebuttal.

- b. Contested Cases: If the applicant of appellant elects to have the appeal or application treated as a contested case, the order of business shall be as follows:
 1. Call to order by the Chair.
 2. Staff's opening statement.
 3. Appellant or applicant's opening statement.
 4. Opening statement of persons aggrieved and other interested parties. The right to make an opening statement is limited to persons who will present evidence.
 5. City staff's case-in-chief.
 6. Questions by Board members.
 7. Cross-examination. No more than one person for each party shall cross-examine witnesses. The Chair may limit the number of parties who may cross-examine.
 8. Applicant's or appellant's case-in-chief.
 9. Questions by Board members.
 10. Cross-examination as under 7.
 11. Case-in-chief of other parties.
 12. Questions by Board members.
 13. Cross-examination as under 7.
 14. Rebuttal by appellant or applicant and City staff. Rebuttal is limited to matters raised by the adverse parties by way of evidence or argument.
 15. Statements of opinion of neighbors or abutting landowners (not subject to cross-examination).
 16. Closing statements of those who made or waived opening statements.

8. Evidence and Official Notice: The Board shall not be bound by strict rules of evidence, not limited to consideration of such evidence as would be admissible in a court of law, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Chair shall rule on all questions relating to the admissibility of evidence, but may be overruled by a majority of the Board members present.

Except in contested case hearings, written and oral testimony will be received. In contested case hearings, no hearsay evidence will be allowed or relied upon as the sole evidence of any factual determination. The Board may take official notice of the ordinances of the municipality, the zoning and location of the subject property and geographical features or other facts, which are common knowledge in the municipality or can be verified by reference to public record. In contested case hearings, all witnesses shall be sworn and no person shall be permitted to testify unless he/she submits to cross-examination.

ARTICLE V HEARINGS (continued)

9. Adjournments: When all appeals cannot be disposed of on the day set, the Board may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board.
10. Withdrawal: An appellant may withdraw an appeal at any time prior to decision thereon, but if a motion is pending to grant or dismiss the appeal, such motion shall have precedence. Withdrawal of the appeal shall not entitle the applicant or appellant to remission of the filing fee.

ARTICLE VI DECISION AND DISPOSITION OF CASES

1. Time of Decision: The Board shall render its decision either at the termination of the hearing or within 30 days thereafter. The Secretary shall notify the parties in interest in writing of the Board's decision.
2. Form of Decision: The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chairman and Secretary. Such decision shall state the reasons for the Board's determination, with findings of fact and conclusions of law, and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the variance requested.
3. Vote Required: All orders or decisions of the Board granting a variance or reversing any action or order of an administrative officer shall require the affirmative vote of four members. Whenever only four members of the Board are present and the vote stands 3 to 1 in favor of the appellant or applicant, the matter shall be laid over for consideration and final determination at the next regular meeting of the Board or a special meeting called for that purpose. Failure to obtain a vote of four members in favor of the appellant or applicant upon a second presentation shall be deemed a denial.
4. Conditions: Conditions imposed as part of approval of any application considered by the Board shall be stated in the decision or order embodying the Board's decision and shall be set forth in the applicable permit issued. A permit shall be valid only as long as the conditions upon which it is granted are observed. Appeals or applications approved by the Board shall expire 6 months after issuance if the performance of work is required and substantial work has not commenced.
5. Filing of Decision: Every order or decision of the Board shall be immediately filed with and maintained in the Housing Services Division. The Secretary shall mail a copy of the decision to the applicant or appellant and to the applicable administrative official. Copies of decision granting variances in a floodplain ordinance shall be mailed to the Southern District office of the Wisconsin Department of Natural Resources.
6. Appeal From Decision of the Board: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the City may within 30 days after the filing of the decision in the office of the Board of Appeals commence an action seeking to remedy available by certiorari as provided by Wisconsin Statutes.

ARTICLE VII RECONSIDERATION AND REHEARING

1. **Resubmission**: No appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one year of the Board's decision except pursuant to court order or by motion to reconsider made by a member voting with the majority or as provided in subparagraph (2).
2. **Rehearing**: No rehearing shall be held except upon the affirmative vote of 4 or more members of the Board upon finding that substantial, new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for a rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. Any rehearing shall be subject to the same notice requirements as original hearings.
3. **Notice**: Any resubmission or rehearing shall be subject to the same notice requirements as original hearings.
4. **Fees**: In the event that the request for resubmission or rehearing shall come from a member of the Board, there shall be no filing fee required. In the event the request for resubmission or rehearing shall come from any other person, not a member of the Board, a filing fee as required for original applications shall accompany the request.

ARTICLE VIII AMMENDMENTS

These rules may be amended or revoked by a majority vote of the Board at any meeting, provided written notice of the proposed amendment or change is given to each member at least 10 days before such meeting. Suspension of the rules may be ordered at any meeting by a vote of not less than four members. No suspension or amendment of rules shall be permitted in any contested case without consent of the applicant or appellant or his/her counsel.