

ZBA By-Laws

[Excerpt regarding Hearing Procedure]

IX. HEARING PROCEDURE

A. Order of Presentation.

1. The Chairperson shall declare the hearing open, state its purpose and summarize the procedure to be followed.
2. The Zoning Administrator shall state the nature of the petitioner's appeal, the action taken which is being appealed and any other information or testimony which the Zoning Administrator believes to be relevant to the appeal.
 - a. Upon request, the administrative official or body whose action is being appealed may present information relevant to the matter being appealed.
 - b. The information submitted shall include the action taken on the matter and the reasons therefore.
3. The petitioner personally and or the petitioner's agent or attorney may present its case, including witnesses on petitioners behalf.
 - a. The petitioner shall be permitted to speak for a reasonable length of time in order to present a complete case. In the interest of time and/or orderly procedure, the Chairperson may limit the time allowed.
4. Members of the public who support petitioner shall be allowed to speak personally or through an agent or attorney, and any correspondence in support of petitioner shall be read.
5. Members of the public who oppose the petitioner shall be allowed to speak, personally or through an agent or attorney, and any correspondence in opposition to petitioner shall be read.
6. In allowing members of the public to speak, either in support of or in opposition to the petitioner, the Chairperson may:
 - a. Where there are a large number of people present who wish to speak, encourage the group to select one of their number to speak on behalf of the group, in which event the Chairperson may allow the speaker a reasonable time to state his or her position. In the interest of time and/or orderly procedure, the Chairperson may limit the time allowed.
 - b. Allow all who wish to speak to do so, but in the interest of time and/or orderly procedure may impose a time limit which the Chairperson determines to be reasonable.
 - c. Require speaker to state name and address for the record.
 - d. May prohibit a person from speaking twice on the same issue until everyone wishing to be heard has had a chance to speak. A person will only be recognized a second time if the Chairperson determines such person has something new to add which will aid the deliberation process.

7. Any rebuttal to information presented shall be conducted only through the Chairperson. Anyone may ask the Chairperson relevant and pertinent questions on presentations given at the hearing, and the Chairperson shall seek an answer to the question. Answers shall be made to the Chairperson. No discussion, questioning or answering shall take place between any two or more persons except between the Chairperson and the individual who has the floor.

8. Nothing in these rules shall be construed to preclude any member of the ZBA from asking relevant questions or seeking clarification of any part of a presentation being made at any time during the hearing.

9. When the Chairperson determines that the hearing procedure set forth above has been completed, the Chairperson shall declare the hearing closed. At this point all public participation on the matter ends.