

## Board of Zoning Appeals (BZA)

### A. Order for Public Hearings

- 1<sup>st</sup>: **APPLICANT** will be heard **first**. The BZA will allow APPLICANT to appear and be heard in person, or be represented by an attorney.
- 2<sup>nd</sup>: **PROPONENTS** will be heard **second**. The BZA will allow any PROPONENT who wishes to be heard in favor of the application to appear in person and testify as a witness.
- 3<sup>rd</sup>: **OPPONENTS** will be heard **third**. The BZA will allow any OPPONENT who wishes to be heard in opposition to the application to appear in person and testify as a witness. If an OPPONENT elects to testify in opposition to the application, the OPPONENT will be subject to cross-examination by the APPLICANT or APPLICANT'S attorney.
- 4<sup>th</sup>: **APPLICANT** may be heard **last**. APPLICANT will be afforded the opportunity to testify again and present any witness or documentary evidence the APPLICANT desires to refute evidence or testimony offered by an OPPONENT.

### B. Rules for Public Hearings

1. APPLICANT, and any PROPONENT or OPPONENT that intends to testify as a witness during the public hearing must first swear or affirm an oath of truth that will be administered by the BZA Chairperson, and state his or her name and address on the record, in order to testify.
2. APPLICANT shall be given a reasonable opportunity to present the APPLICANT'S case. APPLICANT is entitled to offer and examine witnesses, and to present documentary evidence. APPLICANT may arrange to have a Court Reporter present at APPLICANT'S sole cost if APPLICANT so desires.
3. A PROPONENT or OPPONENT shall limit his or her comments to five minutes. The BZA may allow more time if the BZA deems more time is justified. Responses to questions asked to a PROPONENT or OPPONENT by the BZA or in response to cross-examination by the APPLICANT or APPLICANT'S Attorney shall NOT count against the allotted five minutes.
4. A PROPONENT or OPPONENT shall be limited to speaking only once.

5. A PROPONENT or OPPONENT shall direct all comments to the BZA. A PROPONENT or OPPONENT shall NOT direct his or her comments to the APPLICANT or APPLICANT'S Attorney unless in response to cross examination.
6. A PROPONENT or OPPONENT shall NOT direct any comments or questions to the Staff, or direct any comments or questions to the audience. It is not the purpose of the public hearing to answer questions about interpretation or meaning of the Zoning Code. However, the BZA will listen to all questions and if the BZA deems a question relevant then the BZA may answer or direct Staff to answer a question.
7. The BZA may ask questions to the APPLICANT, PROPONENT or OPPONENT at any time during the hearing.
8. To be considered by the BZA, documentary evidence must be accepted and admitted into evidence by the BZA. The BZA will not accept documentary evidence unless the APPLICANT provides a complete copy of each document for the BZA. A PROPONENT or OPPONENT who intends to submit any documentary evidence must provide a complete copy of each document for both the APPLICANT and the BZA.
9. Documents including but not limited to letters, emails, or petitions where the author or signator of such a document does not testify under oath during the public hearing shall not be admitted into evidence for consideration by the BZA.