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**Minutes
Board of Adjustment Meeting
April 9, 2003
5:30 p.m.**

Present: T. Grinstead, B. Cline, S. Thurber, S. Johnson and S. Gartside (6:30) and Steve Harrison.
City Attorney available by phone.

**NEXT MEETING OF THE BOARD OF ADJUSTMENT IS MAY 22, 2003, 5:30p.m. TO
DISCUSS AND ADOPT BY-LAWS AND PROCEDURES**

1. Minutes of Board of Adjustment Minutes of 2/27, 3/19, 2003 approved, signed and given to City Administrator.

2. Order of future Board of Adjustments Meetings for variance requests was adopted as:
Public Hearing Procedure
Chair calls meeting to order, roll call, read B of A purpose and procedure statement
Open Public Hearing
Mayor's designee (usually City Administrator) reads Case # and describes the request
Board accepts/rejects jurisdiction of case
Mayor's designee reports on findings of the case (10.8B of Zoning Ordinance)
Chair calls on those favoring the request (applicant presentation, 5 minutes.)
Chair calls on those opposing the request. (5 minutes)
Rebuttal: Applicant is given opportunity to answer objections stated (2 minutes)
Rebuttal: opponents are given two minutes to answer the rebuttal.
Close public hearing
Chair asks if the Board has any questions of the applicant/opponents/village staff.
After questions, Board may discuss the case among themselves.
After discussion, Chair calls for a motion from the Board to make a recommendation utilizing the Findings of Fact criteria. The chair will call for a second. If seconded, the Board will vote on the motion. The motion may be to deny, affirm or modify the applicants request. If motion is for approval, findings of fact are stated in supported of the approval and included in the minutes of the meeting along with the votes of the members. If the motion is for denial, the votes of the members will be recorded. If the motion is for modification, findings of fact, the modifications and the votes of the members will re recorded in the minutes.
Announce next meeting date.
Adjournment

3. By-laws and Procedures discussion. Steve Harrison provided us with the Village Ordinance appointing regular and alternate members with 2 year terms of office. Steve Harrison provided Board members with a new copy of by-laws and procedures just drafted by the City Attorney. A copy with colored adds/deletes from the original generic Village Board by-laws will be sent to all B of A members. It was decided to discuss these at the next meeting of the Board. All Board members are requested to read the by-laws and procedures and check them against both the zoning ordinance and the statute governing the B of A.

Suggested additions to the by-laws and procedures (and possible amendments to the zoning ordinance) included: a statement of when in the process does a variance come to the B of A . It seems logical that variance requests coming about unzoned property should come after P and Zoning recommendations, and before official city council action is when variances should come before the Board. Another addition is a clearer statement of information applicants should bring to the Board

for the public hearing, for instance, verified information germane to the request. Another issue is why the 45-day limit on appeals is in the zoning ordinance, but is not in the statute governing B of A. In the procedures section, also, to conform to the statutes, since the Mayor has to appoint an alternate if one is needed, Board members need at least two weeks notice before a called Board meeting, so alternates can be properly appointed.

A more general question is whether and when the Zoning Ordinance is going to be amended to be congruent with state statutes.

Meeting adjourned at 7 p.m.

Prepared by Sue Johnson, Chair
April 13, 2003

Sue Johnson 5/22/03

Accepted by Voter 5/22/03 5-0
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