



STAFF REPORT

AGENDA ITEM: 11

CASE NUMBER: N/A

B.O.A. MEETING: August 23, 2017

APPLICANT:

Josh Whitehead, Secretary

REQUEST:

Amend the Rules of Procedure to provide time limits for verbal testimony

This amendment to the Board's Rules of Procedure would set time limits for verbal testimony. The Board's sister agencies, the Land Use Control Board and Landmarks Commission, both provide time limits for such testimony. The Bylaws of the Land Use Control Board limit testimony by allotting the applicant five minutes, opposition five minutes total and rebuttal by applicant to two minutes (Bylaw IV, C). The Bylaws go further by allowing the Chair to provide both sides additional time if need be. In addition, the applicant is allowed to reserve all or part of its five minutes presentation time to add to its two minutes of rebuttal time. The Bylaws of the Landmarks Commission are silent on the subject, but in practice, the applicant is given five minutes to present, each member of the community in support of or opposition to the case is given three minutes and then the applicant has a two-minute rebuttal time. The proposed amendment below is based on these two boards' time limitations (proposed language in **underline, bold**):

Article IV (5): At a hearing, the order shall be as follows:

- (a) Report or comments from Board of Adjustment staff, and, if applicable, the Office of Construction Code Enforcement.
- (b) Public hearing begins. During the public hearing, any member of the Board may question a speaker during his or her presentation.
- (c) Presentation of appeal or application by applicant **(time limit: 5 minutes).***
- (d) Presentation of statements by interested property owners in favor of the case **(time limit: 5 minutes).***
- (e) Presentation of statements by interested property owners in opposition of the case **(time limit: 10 minutes).***
- (f) Rebuttal by applicant **(time limit: any unused time from its 5 minutes of presentation time, plus 2 additional minutes).***
- (g) Public hearing ends.
- (h) Discussion by the Board. Discussion by the Board shall not involve requesting further testimony from the applicant or any interested property owner. Such a request will involve a public re-hearing and require a 2/3 affirmative vote by the Board. Once a public re-hearing begins, both sides (applicant and opposition) shall be given the opportunity to respond to each question by the Board. Once the public re-hearing ends, Discussion by the Board resumes.

***These time limits are cumulative and not effected by the number of speakers per category. Additional time may be provided at the discretion of the Chair, so long as both sides (applicant/support and opposition) are given an equal amount of additional time.**

STAFF RECOMMENDATION

Approval

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