



City of Hudson  
Board of Zoning and Building Appeals

**Administrative Rules**

The following rules shall govern the meetings of the Board of Zoning and Building Appeals of the City of Hudson as established pursuant to Section 1202.03 of the City of Hudson Land Development Code:

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1. Meetings. Meetings of the Board are scheduled to allow compliance with required notice provisions of the Land Development Code. Meeting dates shall be set after a review has been scheduled with staff and a completed application has been duly filed with the Community Development Office.
  - (a) Regular Meetings shall normally occur on the third Thursday of each month at 7:30 p.m. at Town Hall, 27 East Main Street, 2<sup>nd</sup> Floor Meeting Room provided that an appeal or application has been duly filed with the Community Development Office pursuant to the requirements stated herein. If the meeting is in session at 11:00 p.m., the Board may vote to continue the meeting to the next week (fourth Thursday of the month), continue the meeting to another date or continue to the next month's regular meeting. The Board may, by majority vote at any time, change the time or place of its regular meetings.
  - (b) Special Meetings may be scheduled by the Chair for hearings or reviews requiring additional time or space. The date, time, and location shall be as determined by the Chair.
  - (c) Work Sessions may be scheduled by the Chair for purposes of education and enrichment. Topics and/or speakers shall be chosen by the Chair in consultation with the staff. No business shall be conducted, nor shall any application be reviewed, nor shall any decision be made at a work session. The date, time, and location shall be as determined by the Chair.

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2. Attendance Board members shall attend all Board meetings. Board members unable to attend any Board meeting shall notify staff, so that the Chair can verify that a quorum will be present at said meeting. If a Board member is absent from three (3) or more consecutive regular meetings without justifiable excuse as determined by the Chair, the Board shall consider recommending that Council pursue removal of said member pursuant to Section 10.01 of the Charter.

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3. Officers – Chair At the first regular meeting in each calendar year, the Board shall elect one of its members as Chair and one of its members as Vice-Chair. In the event of a vacancy before the expiration of the term for which the Chair or Vice-Chair is elected, the office shall be filled at the next regular meeting after the vacancy has occurred.

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4. Subcommittees The Chair may appoint subcommittees consisting of two (2) or more Board members to study and report back to the full Board on matters requiring detailed review or analysis. A subcommittee shall dissolve, and appointment thereto shall expire upon return of a report to the Board, or at the end of the calendar year, whichever is sooner, unless the Chair grants said subcommittee continuing status for a finite period of time within the calendar year. For the purpose of these rules, subcommittee meetings shall be considered as and shall be subject to the same notice requirements and sections of these rules as the special meetings of the Board.

5. Quorum Three (3) members of the Board shall constitute a quorum for doing business. Three (3) concurring affirmative votes shall be necessary to decide in favor of or against an applicant on any matter on which the Board has original jurisdiction.

6. Call to Order The Chair or, in the absence of the Chair, the Vice-Chair, or in the absence of both the Chair and Vice-Chair, the member of those present, who has served on the Board for the longest period of time, shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order and shall serve as Chair pro tempore for the meeting.

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7. Roll Call The Chair or its designee shall then call the roll of the members in random order, except that the Chair shall be called last, and the names of those present and those absent shall be entered in the minutes.

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8. Order of Business All meetings of the Board shall be open to the public, except for executive sessions based upon the reasons set forth in City or State laws. After roll call, the business of a regular meeting of the Board shall be taken up for consideration and disposition in the following order:

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- (a) Approval of minutes of previous meeting;
- (b) Unfinished Cases;
- (c) New Cases;
- (d) Other Business;
- (e) Adjournment;

The order of business of a special meeting or work session of the Board may be as determined by the Board at a regular meeting held in advance of the date of the special meeting or work session. The order of business of a regular meeting of the Board shall, no later than one (1) week prior to the date of the meeting, be reduced to writing by staff under the heading "Agenda" and shall be posted as required by applicable City ordinances. The Board reserves the right to set the order of cases on the Agenda even at the meeting at which the cases will be heard. Applications may be included on an agenda only when application requirements as listed in the Land Development Code and other sections of the Codified Ordinances, where applicable, and as listed below, have been met in full by a date no later than the application deadline set by staff.

9. Reading and Approval of Minutes Unless a reading of the minutes of the prior meeting is requested by a member of the Board, such minutes may be approved without a public reading if each member has been provided a copy prior to approval.
10. Procedure for Applications

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- (a) All applications shall be in writing and filed with the Community Development Office within the respective period(s) of limitation and as required in the Land Development Code.
  - (b) All applications shall be accompanied by the non-refundable required filing fee.
  - (c) All applications shall be accompanied by the decision or Code provisions appealed from or requested to be varied, shall contain a concise description of the specific section to which the application pertains, and shall further contain the reasons why the applicant believes the request should be granted.
  - (d) All applications shall be accompanied by additional documentation as required in the Land Development Code and other sections of the Codified Ordinances, where applicable.
  - (e) Where blueprints, drawings, or exhibits of any kind are necessary, seven (7) copies of such documents shall be required for filing. Unless all exhibits and/or sketches are complete in detail, staff may refuse to place an item on an agenda.
  - (f) No application shall be heard by the Board until the applicant has complied with the above conditions.

11. Hearings

- (a) All hearings before this Board shall be open to the public, and all applicants, contiguous property owners, and other persons required by the Land Development Code to be notified of the hearing shall be notified by mail or hand-delivery of the place, date, and time as provided by the Land Development Code.
- (b) It shall be the obligation of the applicant to bring all necessary witnesses, exhibits, and evidence and present same to the Board at the time of the scheduled hearing. The burden of proof is upon the applicant. The applicant may appear in person or be represented by legal counsel. Any agent of the applicant must be authorized by the applicant to accept any conditions that the Board may impose.
- (c) Failure of the applicant or the applicant's duly appointed representative to appear at the scheduled hearing may result in dismissal of the application.
- (d) Any and all members of the Board shall have the right to question the applicant, all parties testifying either for or against the application, and City staff.

- (e) An agent or representative of an applicant who is not an attorney in good standing shall not practice law on behalf of the applicant.

12. Statement of Procedures

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- (a) The Board shall determine that, where required, all legal notices have been published and mailed. Sign-in sheets with space for name, signature, and address for each observer or participant shall be provided at each meeting.
- (b) The Chair or a Notary Public in Ohio shall place under oath of truthfulness, either jointly or individually, all witnesses giving any testimony on any matter by asking the following question: "Do you swear or affirm under the penalty of perjury that the testimony you will give will be the truth?" The Chair shall verify that each witness has been so sworn or affirmed.
- (c) The hearing or review shall proceed as follows:
  - (i) Report(s) and/or comment(s) from staff;
  - (ii) The applicant shall be heard from;
  - (iii) Interested persons and City staff shall be heard from;
  - (iv) Cross-examination by parties in interest;
  - (v) Opportunity for rebuttal and closing statements by applicant and other parties in interest; and
  - (vi) Deliberation by the Board.

The Board may ask questions at any time.

- (d) The Chair may at any time limit the length of time or the number of times a witness may speak where testimony is irrelevant or duplicative. The Chair may also declare a speaker out of order and insist that a speaker refrain from further spoken participation in the hearing or review.

13. Decision of Board Upon review of the documents and other evidence and arguments presented to the Board related to an application and due deliberation of the Board, any member, except the Chair, may make a



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substantive motion. The motion shall include not only the ultimate decision, but also a recitation of the findings which support the motion. A second shall be required. Other members may move to amend the motion, citing other compatible findings, with a second and affirmative vote required for any amendment to be included, but the motion may be withdrawn only by the member making the motion. A motion or amendment shall die for lack of a second. The Chair may not make a motion or second a motion unless the Chair relinquishes the chair for the making of a motion and its seconding, and all action thereon.

- (a) In the case of each application pending before the Board on its meeting agenda, the Board shall either:
  - (i) take a roll call vote on a motion to approve, approve with conditions or modifications, or deny the application; or
  - (ii) announce a date, arrived at by consensus of the Board, at which it will meet to render its decision; or
  - (iii) by roll call vote continue the hearing to a date certain for further evidence to be received.
- (b) A motion to approve that is defeated does not constitute a denial of the application.
- (c) Every application will require at least three (3) votes to approve or at least three (3) votes to deny, unless withdrawn, no matter if the motion is before a full Board or a lesser quorum of the Board.
- (d) The Board may request assistance in drafting the motion and/or findings or conclusions of fact from an attorney for the Board and/or City staff.
- (e) A member who believes he or she has a conflict of interest, whether financial or otherwise, direct or indirect, actual or perceived, in voting on an application shall notify the Chair upon introduction of said application before the Board and shall, further, physically excuse himself or herself from any and all meetings or parts of meetings where said application is discussed. A member should state at the public meeting his or her reasons for believing such conflict of interest exists and for that person's recusal.

- (f) A member abstaining from voting on a motion shall state the reason(s) for doing so. An abstention from voting on a motion shall not be counted in the calculation of votes on said motion.
- (g) The Chair or its designee shall then call the roll of the members on the motion at hand, in random order, except that the Chair shall be called last, and the names of those voting for and against, and abstaining from voting on the motion shall be entered in the minutes.
- (h) Where a motion to disapprove an application shall have been defeated, a member in the initial majority shall make a motion to approve or to approve with conditions or modifications.
- (i) Where a motion to approve an application shall have been defeated, a member in the initial majority shall make a motion to disapprove or to approve with conditions or modifications.
- (j) In the event of a tie vote on an application, or the failure to obtain three votes to pass a motion on a matter before the Board, the matter is automatically continued to the agenda of the Board's next meeting and until a vote of at least three (3) Board members can be obtained to approve a motion on a matter.
- (k) A decision of the Board shall be reduced to writing and set forth its findings or conclusions in the decision. Each original written decision shall be signed by the Chair, or in his/her absence, the Vice-Chair, and filed with the record copy of the minutes of the meeting at which the decision is made. A decision may be signed by the Chair, or in his/her absence, the Vice-Chair, by electronic signature after the decision has been reviewed by the Chair or Vice-Chair and a-the Chair or Vice-Chair has authorized use of an electronic signature verbally or in writing, including by electronic mail, to City staff. A copy of the decision shall be served on the applicant by electronic mail, certified mailed, return receipt requested, a recognized commercial carrier (i.e. Fed Ex), or hand-delivered to the applicant, delivery to the applicant. If a decision is served by electronic mail, the applicant shall be advised to return to the City a signed and dated acknowledgment of receipt by electronic mail, facsimile, regular U.S. mail, or hand-delivery. If

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the applicant fails to return such acknowledgement of receipt within ten (10) days after the decision is sent to the applicant by electronic mail, the City shall serve the decision by one of the other methods of service.

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- (l) The decision of the Board shall be final and effective as of the date when it is delivered by certified mail or hand-delivered to the applicant/appellant.

14. Record of Proceedings

- (a) The minutes shall be submitted to the Board in writing for formal approval by the members provided that, after decisions are signed by the Chair, any person may act in reliance upon the same. The minutes may be signed by the Chair, or in his/her absence, the Vice-Chair, by electronic signature after the minutes have approved by the Board and the Chair or Vice-Chair has authorized use of an electronic signature verbally or in writing, including by electronic mail, to City staff.
- (b) On any occasion that the Board determines it to be proper, any evidence may, in addition to the formal minutes, be recorded by a court reporter to reflect the full testimony and evidence submitted in any matter before the Board. A court reporter may interrupt the proceedings at any time to obtain a speaker's name, to require repetition of any statement, or for any other reason that helps to ensure an accurate record of the proceedings.

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15. Robert's Rules of Order For any matters not specifically covered by these Rules, the Board may rely upon Robert's Rules of Order, but only as they pertain to motions, seconds, discussion, and voting.

16. Conduct The Board shall act as a body and not through its individual members. Board members shall be free to speak publicly and express views and opinions as citizens on any issue, but shall not presume to communicate in any official capacity, whether as a Board member, for other Board member(s), for the Board as a whole, or for the City of Hudson. The Board may, however, appoint a spokesperson to communicate or represent the official actions or views of the Board, as approved by motion of the Board, on a particular issue.



17. Amendments or Supplements to These Rules The Board may at any time make amendments or supplements to these Rules by motion and vote, only after said amendment or supplement has received no less than two (2) presentations to the Board at two (2) separate public meetings of the Board and has been reviewed and approved by the City Solicitor's Office as to legal form.

Amended Rules Effective: \_\_\_\_\_, ~~2009~~2017.

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David W. Lehman, Chairman

Reviewed and Approved: \_\_\_\_\_

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City Solicitor's Office

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