

**City of East Liverpool  
Board of Zoning Appeals (BOZA)**

**Citizens' Guide to Public Hearings before the BOZA**

If you own property within 200 feet of a site for which an appeal to the BOZA has been made you will receive a notice telling you about the scheduled hearing and that you have the right to attend and voice your concerns. Your attendance is not mandatory.

This guide is designed to help you understand the procedure for public hearings and your role as a property owner.

**Why does the BOZA conduct public hearings?**

State law says that whenever an applicant files an appeal to the BOZA for what ever reason, the BOZA must hold a public hearing and notify all property owners within a certain distance from the site in question. Reasons for a public hearing vary and can include an applicant's appeal to a decision by a zoning officer, requesting a variance to fit something onto a lot that doesn't meets setback requirements, request of a special exception or other circumstances.

**What happens at public hearing?**

The purpose of a public hearing is to give effected property owners an opportunity to ask questions, express their views, and, if they wish, offer evidence to support their views.

An agenda will be developed for the BOZA hearing and posted in the lobby of City Hall along with the meeting notice. The board follows the order of business on the agenda unless by a majority of vote the board alters the order in which matters will be considered.

The board chairperson calls each meeting to order and introduces each matter on the agenda. The chairperson is in charge of running the meeting and has the authority to take any measure necessary to control the meeting, including removing disruptive people. Board members and others speak only when recognized by the chairperson.

**How is a public hearing conducted?**

- Board chairperson will explain the purpose of the hearing and will announce the ground rules.
- Board will vote to open the public hearing.
- All speakers will be sworn in.
- Applicant will make a presentation, 15 to 20 minutes in length. Applicant must prove the proposal complies with the city ordinances and regulations. Professionals including architects and engineers can help the applicant explain the project, but each must be sworn in before speaking.
- Chairperson will ask city staff if they have any comments or wisht to clarify any issues.

- Board members will ask questions of the applicant.
- Chairperson will then open the hearing to the public for questions or comments.
  - People who want to speak will be asked to do so, one at a time. Each person will be asked to step to the podium, state their name and address and be sworn in.
  - The speakers' comments will be limited to three (3) minutes.
  - Photographs, maps, charts and other exhibits presented to the board will be retained for the record.
  - A board member may question a speaker on any matter related to the speakers presentation.
  - Questions and comments are to be addressed to the board and not an individual board member. Board members are not required to answer your questions.
  - Spontaneous comments from the audience, personal attacks, or unruly behavior such as booing, cheering, or applause are not permitted.
  - Anyone causing a disruption will be asked to leave.
- After public comments have finished, the chairperson will give the applicant an opportunity to respond.
- Once the BOZA is satisfied it has received enough information it needs to decide, the chairperson will call for a motion to close the public hearing.
- If necessary, to gather additional information, the Board may vote to adjourn the hearing and resume the same on a later date.

### **What happens after the public hearing is closed?**

After the public hearing is closed, the BOZA members discuss the evidence presented and any conditions board members feel should be placed on approval of an application. Conditions can include any items the Board feels are necessary to make the applicants proposal fair to the applicant and to those property owners who may be aggrieved by the Boards approval of the applicants' request.

Decisions by the board are to be made as a matter of fact and based on law. Board decisions should not be based on whether a proposal sounds good or looks good.

**Disclaimer:** The statements in this guide are for informational purposes only and are not intended to be a substitute for the information and advice you could receive form seeking professional legal advice.