

# Village of Bellaire

## Zoning Board of Appeals

**Leslie Meyers, Chairperson**

**Board Members: Patrick Boyd, Josh Todd, Alan Shumaker, and Margie Boyd**

**ZBA Alternate: Tammy Dewulf and David Drummond**

Posted: March 11, 2025 at 1:00 PM

### MEETING NOTICE

The Village of Bellaire Zoning Board of Appeals will be meeting on  
**Wednesday, April 16, 2025 at 5:00 PM**  
in the Village offices at 202 N. Bridge Street, Bellaire, MI 49615

#### Agenda

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes – June 19, 2024
- V. Conflict of Interest
- VI. Public Comment
- VII. Old Business
- VIII. New Business
  - a. Election of Officers
  - b. Meeting Dates
  - c. Bylaw/Procedures Review
- IX. Correspondence/Reports
- X. Member/Public Comment
- XI. Adjourn

This is a tentative agenda until finalized and approved on April 16, 2025. The Zoning Board of Appeals reserves the right to alter the agenda by a majority vote of the members present at the meeting.

Committee members: if you have any questions or cannot attend this meeting, please contact the Clerk at 231-533-8213.

**Persons with disabilities needing a reasonable accommodation to effectively participate in this meeting should contact the Village Clerk at (231) 533-8213.**

**Village of Bellaire**  
**Zoning Board of Appeals**

**Leslie Meyers, Chairperson**  
**Board Members: Patrick Boyd, Joshua Todd, & Alan Shumaker**  
**ZBA Alternate, Robert Massey**

**ZONING BOARD OF APPEALS MEETING MINUTES**  
**June 19th, 2024**  
**5:00 PM**

**I. Call to Order:** The meeting was called to order at 7:00 PM.

**II. Roll Call - Attendance:**

**Present:** Patrick Boyd, Joshua Todd, Alan Shumaker and Robert Massey.

**Absent:** Leslie Meyers

**Staff Present:** Angela St. Pierre

**Public Present:** Sara Tucker, Josh Watrous, Adele Rittmueller

**III. Approval of Agenda:** The agenda was approved as presented.

**Motion by Todd, seconded by Shumaker, to approve the agenda as presented. Motion Passed by unanimous voice vote. Absent - Meyers**

**IV. Approval of Minutes – April 19, 2023:** The minutes of the April 19, 2023 meeting were approved as presented.

**Motion by Boyd, seconded by Shumaker, to approve the minutes of the April 19, 2023 meeting as presented. Motion Passed by unanimous voice vote. Absent - Meyers**

**V. Conflict of Interest:** None presented.

**VI. Public Comment:** None presented.

**VII. Old Business:** None presented.

**VIII. New Business**

- a. Steuben Street Public Hearing:** Vice chair opened the Public Hearing at 5:01 PM. It was determined there would not be a time limit imposed on members of the public wishing to address the ZBA during the public hearing. Vice chairperson Boyd then asked the applicant to present the request. Sara Tucker, the owner of the property, stated that she would like to have a 12 foot by 12 foot addition added to the south side of her house to add usable space to the home and allow for an additional egress to the building in case of emergencies as there is only one entrance by the garage. She stated that she is getting older and would

like to have the safety of another door placed closer to her bedroom and more ease of access in case of the need for a ramp in the future.

Vice chairperson Boyd asked for any public comments. Adele Rittmueller spoke in support of the variance as she believes it would add curb appeal and increase property values. Zoning Administrator St. Pierre then stated that there were three written public comments included in the members packets. All were in support of the variance.

Zoning Administrator St. Pierre then explained that she drafted Proposed Findings of Fact for the standards under Section 9.04.01.C.1 of the Zoning Ordinance. She then went on to explain that there are five (5) proposed exhibits that the ZBA should consider. She then stated that the ZBA must go through all the findings for all of the standards. Vice chairperson Boyd then read through the Proposed Findings of Fact.

Vice chairperson Boyd closed the public hearing at 5:07 PM.

Member Massey spoke about his background in construction code enforcement and that the code only requires one ingress and egress. He then went on to speak about designing an addition outside of the boundaries when it does not have to create its own issue.

There was a brief discussion about the intersection in front of the property and how the slope of the land is a little difficult. There was also a brief discussion about the restrictions of the corner of the lot and the intersection for visibility purposes.

**\*Attached and incorporated herein to these minutes is the signed Decision and Order dated 6-19-2024\***

Deliberations began. Vice chairperson Boyd then read the General Findings of Fact and it was the consensus of the ZBA that all four (4) of these findings applied. **(See Attached Decision and Order pg. 2)**. Vice chairperson Boyd then moved on to the Specific Findings of Fact under Section 9.04.C.1. The first standard under that section was read. **(See attached Decision and Order, pg. 2)**. There were no findings that supported the standard. There were four (4) findings that did not support the standard. **(See Attached Decision and Order, pg. 2)**. It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the second standard under Section 9.04.C.1 **(See Attached Decision and Order, pg. 3)**. There were no findings that supported the standard. There was one (1) finding that was found that did not support the standard. **(See Attached Decision and Order, pg. 3)**. It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the third standard under Section 9.04.C.1 (**See Attached Decision and Order, pg. 3**). There were three (3) findings that were found to support the standard. There were two (2) findings that did not support the standard. (**See Attached Decision and Order, pg. 4**). It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the fourth standard under Section 9.04.C.1 (**See Attached Decision and Order, pg. 4**). There was one (1) finding that was found to support the standard. There was one (1) finding that did not support the standard. (**See Attached Decision and Order, pg. 4**). It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the fifth standard under Section 9.04.C.1 (**See Attached Decision and Order, pg. 4**). There were no findings that were found to support the standard. There was (1) finding that did not support the standard. (**See Attached Decision and Order, pg. 4**). It was the consensus of the ZBA that this standard has not been met.

**Motion by Boyd, seconded by Massey, that the application for a 3 foot variance to reduce the side setback to allow development within 12 feet of the lot line of the property located at 302 Steuben Street, Bellaire, Michigan (Parcel ID 05-46-150-34-00) be denied based upon findings of fact. Roll Call: Boyd – yes, Massey – yes, Todd – yes, Shumaker -yes. Absent – Meyers. Motion Carried.**

**\*Attached and incorporated herein to these minutes is the signed Decision and Order dated 6-19-2024\***

- b. Election of Officers:** General discussion was held about who would like to be an officer. Mrs. St. Pierre spoke with Therry Colombo whose term expired in November of 2023 and Therry is not interested continuing her membership of the ZBA. Robert Massey will be stepping down when his term expires in November of 2024. A recommendation to post for two alternate seat vacancies.

**Motion by Boyd, seconded by Todd to post for two alternate ZBA seat vacancies. Motion passed unanimous voice vote. Absent – Meyers.**

**Motion by Boyd, seconded by Todd, to elect Leslie Meyers as Chair. Motion passed by unanimous voice vote. Absent – Meyers.**

- c. Rules of Procedure:** The By-laws/rules of procedure were reviewed.

**Motion by Boyd, seconded by Todd, to approve the bylaws/rules of procedure as presented. Motion passed by unanimous voice vote. Absent – Meyers.**

- d. **Meeting Dates:** General discussion was held about the regular meeting dates. The proposed meeting dates are October 16, 2024, January 15, 2025, and the annual meeting April 16, 2025. Meetings will be cancelled accordingly if there is a lack of agenda items.

**Motion by Todd, seconded by Boyd, to approve the meetings dates. Motion passed by unanimous voice vote. Absent – Meyers.**

**IX. Correspondence/Reports:** None presented.

**X. Member/Public Comment:**

**XI. Adjourn:** The meeting was adjourned at 5.33 PM to the call of the Vice chair.

Minutes compiled by:  
Angela St. Pierre, Zoning Administrator

**Minutes are subject to approval.**

**Approved:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**VILLAGE OF BELLAIRE  
ZONING BOARD OF APPEALS**

**DECISION AND ORDER**

Applicant: Sara J. Tucker  
3630 Incochee Road  
Traverse City, MI 49684

Hearing Date: June 19, 2024 at 5:00 PM in the Village offices at 202 N. Bridge Street, Bellaire, MI 49615.

Owners of the Property: Sara J. Tucker  
3630 Incochee Road  
Traverse City, MI 49684

**PROPERTY DESCRIPTION**

The property subject to the variance is located at 302 Steuben Street, Bellaire, Michigan (Parcel ID 05-46-150-34-00). This property is described as follows:

*LOT 10, BLK 6 PLAT OF COOK AND WADSWORTH'S ADD TO THE VILLAGE OF BELLAIRE.*

Herein after referred to as the “property.”

**APPLICATION**

The Applicant seeks the following variance:

Mrs. Tucker wishes to construct a 12 foot by 12 foot addition onto the south facing wall of the existing residence to create more usable space and an addition of an additional door. With this construction they plan to add an additional door to the residence as it only has one. In order to move forward with the project, the Applicant seeks a 3 foot variance to reduce the side setback to allow development within 12 feet of the lot line. A copy of the proposed construction plans are attached as Exhibit “3”.

The Board having considered all of the comments and letters submitted by members of the public, as well as all comments and materials submitted by the applicant and/or the applicant’s

representative and other materials, the Board have considered five (5) exhibits, and the Board having reached a decision on this matter, states as follows:

### GENERAL FINDINGS OF FACT

1. The Board finds that the Applicant, Sara J. Tucker, is the owner of the Property. (See Exhibit 1).
2. The Board finds that the property is currently zoned R-1 Residential. (See Exhibit 1, See Exhibit 5).
3. The Board finds that the Applicant is asking for a 3-foot variance to be allowed to build a 12 foot by 12 foot addition on the South side of the building on the Property, creating an actual location of the principle building of 12 feet from the lot line, which is not within the current setback for the zoning district. (See Exhibit 2, Exhibit 3, Exhibit 4).

### SPECIFIC FINDINGS OF FACT UNDER SECTION 9.04C.1

The Board shall now review the standards under Section 9.04.C.1 dimensional Variances and provide findings of fact for each standard.

**a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.**

1. The Board finds that the setbacks for the R-1 Residential District are as follows:
  - a. Front setback -15 feet (Steuben Street side)
  - b. Side setback – 5 feet
  - c. Rear setback – 10 feet  
(See Exhibit 2)
2. The board finds that the current principal building on the Property is located from the lot lines as follows:
  - a. Front lot line – 24 feet (within setback)
  - b. East Side – 15 feet (Genessee Street side, within setback)  
(See Exhibit 3)
3. The board finds that the need for the requested variance is not due to unique circumstances or physical conditions of the property involved. (See Exhibit 3)
4. The board finds that the need for the requested variance is due to applicant's personal hardship.

**The board finds that this standard has not been met.**

**b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).**

1. The board finds that the need for the variance is self-created because the applicant could build an addition on the Property which would add usable space and allow for another door while staying in the required setbacks. See Exhibit (3)

**The board finds that this standard has not been met.**

**c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.**

1. The board finds that the current principle building on the Property is well within the setbacks for the South side (Steuben Street side). (See Exhibit 3)
2. The board finds that strict compliance with the Zoning Ordinance setbacks for the South side of the Property would be reasonable as it still allows for an addition to be added to the South side of the Property. (See Exhibit 3)
3. The board finds that the request for a variance to reduce the front setback (South side/ Steuben Street side) to allow development within 12 feet of the lot line would change the current front setback (South side/ Steuben Street side) of the Property by 3 feet. (See Exhibit 3, See Exhibit 2).
4. The board finds that strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will not unreasonably prevent the property owner from using the property for a permitted purpose or that rendering conformity with these regulations is unnecessarily burdensome. (See Exhibit 3)
5. The board finds that a 9-foot addition could be added to the Property while staying in compliance with regulations. (See Exhibit 3)

**The board finds that this standard has not been met.**

**d. Whether granting the request variance would substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.**

1. The board finds that granting this variance would allow the applicant to have more usable space and allow for an additional door for safety and egress reasons.



2. The board finds that granting this variance would not be consistent with justice to other property owners.

**The board finds that this standard has not been met.**

- e. **That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.**

1. The board finds that the variance would cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

**The board finds that this standard has not been met.**

### **DECISION**

Motion by Boyd, seconded by Massey, that the application for a 3 foot variance to reduce the side setback to allow development within 12 feet of the lot line of property located at 302 Steuben Street, Bellaire, Michigan (Parcel ID 05-46-150-34-00) be denied based upon findings of fact and pursuant to the following conditions, if any.

Aye: Boyd, Massey, Todd, Shumaker

Nay:

Abstain:

Absent: Meyers

### **CONDITIONS, IF ANY**

1. None

### **TIME PERIOD FOR JUDICIAL REVIEW**

MCLA 125.585(11); MSA 5.2935(11) provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.

### **DATE DECISION AND ORDER ADOPTED**

Date: June 19, 2024

\_\_\_\_\_  
Leslie Meyers, Chairperson

\_\_\_\_\_  
Angela St. Pierre, Zoning Administrator

**Village of Bellaire**  
**Zoning Board of Appeals**

**Leslie Meyers, Chairperson**

**Board Members: Patrick Boyd, Josh Todd, Alan Shumaker, and Margie Boyd**

**ZBA Alternate: Tammy Dewulf, and David Drummond**

**2025-2026 Meeting Dates Proposed**

The Village of Bellaire Zoning Board of Appeals will hold its regularly scheduled meetings on the third Wednesday of the month (excluding holiday) at 5:00 p.m. in the Community Hall, 202 N Bridge St.

**Regular Zoning Board of Appeals Meetings**

July 16, 2025

October 15, 2025

January 21, 2026

April 15, 2026 – Annual Meeting

**If a meeting is needed in the months that do not have a Regular Meeting, then a Special Meeting may be called.**

The Village of Bellaire Zoning Board of Appeals may occasionally have to change the dates of regularly scheduled meetings. If this occurs, a notice will be posted on the Village Hall door at least 18 hours in advance.

If you have any questions please contact the Village offices at 231-533-8213.

**VILLAGE OF BELLAIRE  
ZONING BOARD OF APPEALS  
Bylaws/Rules of Procedure  
Adopted April 16, 2025**

- 1. PURPOSE.** These Rules and Procedures are adopted to provide for the efficient and uniform administration of the Village of Bellaire Zoning Board of Appeals, hereafter known as the ZBA.
- 2. MEMBERSHIP.** The ZBA shall be composed of five (5) members as provided in the Village of Bellaire Zoning Ordinance, as amended.
  - 2.1. Regular and Alternate Members.** The ZBA shall be composed of five (5) regular members and two (2) alternate members appointed by the Village Council as provided in the Village of Bellaire Zoning Ordinance. For purposes of these Rules of Procedures, unless indicated otherwise, the phrase “members of the ZBA” shall mean the regular ZBA members and any alternate members designated to serve on a particular case.
  - 2.2. Service by Alternate Members.** Alternate members of the ZBA may be called as specified in the Village of Bellaire Zoning Ordinance to serve on a case in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings and when the regular member has abstained for reasons of conflict of interest.
  - 2.3. Voting by Alternate Member.** When serving on the ZBA, an alternate member has the same voting rights as a regular member and shall serve on the case until a final decision is made.
  - 2.4. Training.** After a member’s first appointment and before reappointment, the member shall have attended training totaling four hours per three-year term of office. This training shall be provided by a university, Michigan State University Extension, Michigan Association of Planning, Michigan Townships Association, Michigan Municipal League, or any other training approved by the ZBA or Zoning Administrator. A member who has not attended the four hours of training is not eligible for re-appointment to a second term of office.
- 3. OFFICERS AND COMMITTEES.**
  - 3.1. Officers.** The officers of the ZBA shall be a Chairperson, and Vice Chairperson.
  - 3.2. Election of Officers.** The officers of the ZBA shall be chosen from its members by the ZBA at its annual meeting. The term of office for each officer shall be one (1) year, or until his or her successor is chosen and assumes office.
  - 3.3. Chairperson.** The Chairperson shall preside over all meetings of the ZBA.
  - 3.4. Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.

**3.5. Secretary.** Pursuant to the Village of Bellaire Zoning Ordinance, the Zoning Administrator shall act as secretary to ensure that the minutes of all meetings of the ZBA are properly recorded and that notices for all meetings are duly given. He or she shall also perform administrative service for the ZBA, and such other duties as may be assigned by the Chairperson or the Zoning Board of Appeals. The Zoning Administrator shall not act as the secretary of the ZBA during an appeal of a decision of the Zoning Administrator. In case of an appeal of the Zoning Administrator's decision, the Deputy Clerk shall act as secretary and provide administrative services for the ZBA.

**3.6. Vacancies.** If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office of Chairperson for the remainder of the term. All other vacancies in offices shall be filled by the ZBA from its members for the unexpired term of the office.

#### **4. MEETINGS**

**4.1. Regular Meetings.** The ZBA shall hold an annual meeting in the month of April each year. The regular meetings of the ZBA shall be scheduled at the annual meeting each year and posted as required by the Open Meetings Act, as amended. If any regularly scheduled meeting falls on a legal holiday, the ZBA shall select an alternate date in the same month for the regular meeting. Notice of this alternate date shall be given as provided in Section 6.1.

**4.2. Special Meetings.** Special meetings of the ZBA will be called as needed. The Village of Bellaire Zoning Administrator can call a meeting, as can the ZBA Chairman, or, in the Chair's absence, the Vice-Chair. No less than eighteen (18) hours before the scheduled special meeting, the Secretary or his/her designee shall provide each member of the ZBA with a written notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This written notice shall be mailed to each member of the ZBA, given personally to each member, or left at the member's usual place of residence.

**4.3 Place of Meeting.** Meetings of the ZBA shall be held at the Village Hall. Whenever the Chairperson determines that the place of the meeting will likely have inadequate space for members of the public, the location of the meeting may be changed to a larger meeting facility. A notice of the change in meeting location shall be prominently posted at the Village Hall so that it is visible from outside and shall be published in a newspaper of general circulation within the Village if such publication can be accomplished prior to the meeting.

**4.4 Time of Meetings.** Meetings of the ZBA shall begin at 5:00 p.m., unless the ZBA, by a vote of a majority of its members, specifies a different starting time. The ZBA shall not begin considering any matter on the agenda after 10:00 p.m., except by unanimous consent of the members present. Matters on the agenda which have not been considered may be heard at an adjourned meeting/hearing, provided a motion specifies the time, date, and place of the adjourned meeting/hearing, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting if one is called.

**4.5 Meeting Attendance.** Each member of the ZBA shall attend all regular and special meetings of the ZBA, unless excused by the Chairperson for good cause. A regular or alternate member of the ZBA with two (2) consecutive unexcused absences may be removed from office by the Village Council, following notice and a hearing before the Village Council.

## **5. DEMAND FOR APPEAL**

**5.1 Notification.** Within 10 days from the date of the receipt of the Demand for Appeal, which is hereby defined to include appeals from administrative decisions, requests for interpretations of the zoning ordinance, and variances, the Zoning Administrator shall contact the Chair of the ZBA to schedule the date and time for the ZBA to hold a public hearing to act on the case. Notice of such public hearings shall be given as required by the Village of Bellaire Zoning Ordinance.

**5.2 Failure to Appear.** If a petitioner fails to appear at a properly scheduled meeting of the ZBA, the Chair may entertain a motion from the ZBA to dismiss the case for want of prosecution. In the absence of a motion by the ZBA to dismiss the case for want of prosecution, the ZBA may adjourn the case to a specific time, date, and place and request the petitioner to appear at the rescheduled public hearing or may make its decision based on the information provided by the petitioner and members of the public. In cases which are dismissed for want of prosecution, the Secretary will furnish the petitioner written notice of the action. The applicant shall have seven (7) days from the date of such notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown, and upon payment of a fee said from time to time by resolution of the Village Council. In all cases reinstated in the above-described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

**5.3 Deadline for Action.** The ZBA shall hear the case and make its decision, with a statement of reasons for the decision, and file its decision with the Zoning Administrator within a reasonable time after receipt of the case, given the complexity of the case, unless a longer period of time is mutually agreed upon by the petitioner and the ZBA.

**5.4 Notice of Decision.** The Secretary, or designate, shall cause to have notices of the ZBA decision delivered in person or by first class mail to the Zoning Administrator and to anyone else requesting a copy in writing. Further, notice of the decision to the petitioner, or his agent, filing the Demand for Appeal shall be sent by first class mail.

## **6. PUBLIC NOTICE OF MEETINGS**

**6.1 Public Notice of Meetings.** The Secretary or his/her designee shall be responsible for providing the proper notice of all meetings of the ZBA. Notices shall comply with the Open Meetings Act, as amended, the Michigan Zoning Enabling Act, as amended, and the Village of Bellaire Zoning Ordinance, as amended.

**6.2 Special Meetings.** No less than eighteen (18) hours before any scheduled special meeting, the Secretary or his/her designee shall post at the Village Hall so that it is visible from outside a notice of the special meeting, including the purpose for which the special meeting is called.

## **7. QUORUM AND VOTING**

**7.1 Quorum.** A majority of the regular members of the ZBA shall constitute a quorum for the transaction of business at all meetings of the ZBA. The ZBA shall not conduct business unless a majority of the regular members are present.

**7.2 Voting.** Except as provided herein, an affirmative vote of a majority of the entire ZBA shall be necessary to grant a dimensional variance, to reverse an order, requirement, decision, or determination of the zoning administrator or other administrative official or body, or to decide in favor of the applicant on any matter before the ZBA. Unless the Village of Bellaire Zoning Ordinance requires otherwise, an affirmative vote of a majority of the ZBA members present shall be necessary to make all other decisions.

**7.3 Conflict of Interests.** A regular member of the ZBA shall declare a conflict of interest in connection with a matter pending before the ZBA and shall disqualify himself or herself from deliberating and voting on the matter and an alternate member shall not serve when any of the following circumstances exist:

- a. The applicant is the ZBA member or the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the ZBA member or the member's spouse.
- b. The ZBA member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- c. The ZBA member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- d. The ZBA member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the ZBA or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- e. If the ZBA member has expressed an opinion concerning a matter before the ZBA prior to becoming a member of the ZBA and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.
- f. The ZBA member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

## **8. REGULAR MEETING AGENDA.**

**8.1 Regular Meeting Agenda.** The agenda for a regular meeting of the ZBA shall be as follows:

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Conflict of Interest
- VI. Public Comment
- VII. Old Business
- VIII. New Business
- IX. Correspondence/Reports
- X. Member/Public Comment
- XI. Adjourn

The ZBA reserves the right to alter the agenda by a majority vote of the members present at the meeting.

**8.2 Special Meeting Agenda.** Whenever the ZBA meets in a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members of the ZBA are present and concur.

## **9. CONDUCT OF MEETINGS.**

**9.1 Public Hearing Procedure.** The procedure for a public hearing of the ZBA shall be as follows:

- a. The Chairperson shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the ZBA's decision must be based.
- b. Determination by the Chairperson whether a time limitation will be imposed on members of the public wishing to address the ZBA during the public hearing.
- c. Staff report, if applicable.
- d. Compilation of list of all exhibits to be considered by the ZBA when making its decision.
- e. Presentation by the applicant or applicant's attorney or other agents.
- f. Correspondence and/or persons speaking in favor of the appeal.
- g. Correspondence and/or persons speaking in opposition to the appeal.
- h. Rebuttal comments by the applicant or applicant's attorney or other agents.
- i. Chairperson declares public hearing portion of the case closed.
- j. The ZBA begins its deliberations on the case.
  1. During deliberations the ZBA may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the

Chairperson. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.

2. During deliberations the ZBA shall also specify in writing the findings of fact on which it bases its decision.
  3. If during deliberations the ZBA determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relevant to that issue.
- k. At the conclusion of its deliberations, the ZBA shall adopt a motion documenting its decision.

**9.2 Members of the Public.** Members of the public wishing to address the ZBA during the meeting or during a public hearing shall first be recognized by the Chairperson, and each person who speaks shall state his or her name and shall address the entire ZBA.

**9.3 Opportunity for Public Comment.** Each member of the public desiring to address the ZBA (outside public hearings) shall be given five (5) minutes to speak. The Chair may extend the time for each member of the public based upon the agenda length.

**9.4 Limitation of Public Comments during meetings.** Prior to opening a public hearing, the Chairperson may determine the number of individuals from the general public who may desire to address the ZBA during the public hearing. Based on this determination, the Chairperson may establish a reasonable time limitation for each member of the general public when addressing the ZBA during the public hearing. Members of the general public expressing a desire to address the ZBA may transfer their allotted time to another individual, who may act as a spokesperson for the group. The time limitation imposed pursuant to this section, however, shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the ZBA.

**9.5 Written Statements Submitted by the Public.** All written statements (both during public hearings and outside public hearings) should be given to the Secretary or his/her designee prior to the commencement of the meeting or public hearing. All written statements and documents presented to the ZBA by an individual are considered public documents and shall be retained in the public record of the meeting.

**9.6 Disorderly Conduct at Meetings.** Individuals addressing the ZBA (both during public hearings and outside public hearings) should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the ZBA or village staff. The Chairperson may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the Chairperson determines whether the person is in order. If a person is called out of order, he or she



shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the ZBA members present. If the person continues to be disorderly to the extent that the ZBA cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The ZBA shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of the peace committed at the meeting.

## **9.7 Rehearings.**

- a. Except as provided in this subsection and the Village of Bellaire Zoning Ordinance, a decision of the ZBA shall be final. The ZBA may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  1. The applicant who brought the matter before the ZBA made misrepresentations concerning a material issue which was relied upon by the ZBA in reaching its decision.
  2. There has been a material change in circumstances regarding the ZBA's findings of fact which occurred after the public hearing.
  3. The village attorney by a written opinion states that in the attorney's professional opinion the decision made by the ZBA or the procedure used in the matter was clearly erroneous.
  
- b. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the ZBA on its own motion, pursuant to the following procedure:
  1. A request for a rehearing which is made by an applicant or the Zoning Administrator must be made within twenty-one (21) days from the date of approval of the ZBA's minutes regarding the decision for which the rehearing is being requested.
  2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the ZBA on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  3. Whenever the ZBA considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the ZBA holds a hearing at which it considers whether to grant a rehearing.

4. If the ZBA grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**9.8 Robert's Rules of Order.** Except as modified by these Rules of Procedure and state or federal law, the ZBA shall follow Robert's Rules of Order, as Revised, for all procedural questions.

## **10. RECORD OF MEETINGS.**

**10.1 Recording Responsibility.** The Secretary or his/her designee shall be responsible for maintaining the official records and minutes of each meeting of the ZBA. The minutes shall include all the actions of the ZBA with respect to motions. The minutes shall include the names of ZBA members who present motions and ZBA members who second motions as well as the vote of the ZBA on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.

**10.2 Voting.** Whenever a question is put by the Chairperson, every ZBA member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the ZBA may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the village attorney. Once the conflict of interest is declared or confirmed, the ZBA member with the conflict of interest shall abstain from participating and voting in the case.

**10.3 Requests for Remarks to be Included.** Any ZBA member may request to have his or her comments printed as part of the minutes. If there are no objections by any ZBA member, the comments may be included. If there is an objection to including the requested comments in the minutes, the ZBA shall decide the matter by a majority vote of the ZBA members present.

**10.4 Public Access to Meeting Records.** The Secretary or his/her designee shall make available to the public the minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the Secretary or his/her designee but not approved by the ZBA shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the ZBA shall be available within five (5) business days after the meeting at which they were approved. The Secretary or his/her designee shall promptly mail copies of minutes to persons who have subscribed and paid the required fee as determined by the Village Council.

**11. AMENDMENTS.** These Rules of Procedure may be added to, amended or repealed in whole or in part. Proposed changes to these Rules of Procedure must be submitted in writing to the members of the ZBA at least one (1) month in advance of the meeting at

which the proposed changes will be considered. A majority vote of the ZBA shall be required to amend these Rules of Procedure.

12. **SEVERABILITY.** If any section, provision or clause of these Rules of Procedure or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of these Rules of Procedure which can be given effect without the invalid portion or application.

These Rules of Procedure were adopted by the Village of Bellaire Zoning Board of Appeals on April 16, 2025.

VILLAGE OF BELLAIRE  
ZONING BOARD OF APPEALS

By: \_\_\_\_\_  
Its: Chairperson

By: \_\_\_\_\_  
Its: Zoning Administrator