



**BEXLEY CITY COUNCIL**  
**Procedural Rules for Hearing Councilmatic Variances**  
October 25, 2016

**INTRODUCTION**

These constitute the adopted Procedural Rules for hearing requests for Councilmatic Variances. The purpose of these Rules is to enable Bexley City Council ("Council") to make well-informed decisions on such variance requests and to provide applicants (and any persons who are directly affected by the requested variance) with the opportunity to be heard.

**COUNCIL RULES**

In any Councilmatic Variance matter coming before Council, the following procedural steps will generally apply:

1. Applicant timely files all required application materials with the City Building Department.
2. The City Building Department determines whether a Councilmatic Variance must be heard by Council, and a Hearing is scheduled accordingly.
3. Councilmatic Variance Hearing proceedings will generally take place as follows, unless directed otherwise in the sole discretion of Council:
  - a. **Parties** – Proceedings may include participation by only the following parties (individually, a "Party;" and collectively, the "Parties"): the applicant requesting the variance (the "Applicant"); any person in opposition to the requested variance who is directly and adversely affected by it (an "Opponent"); and any person in support of the requested variance who is directly affected by it (a "Supporter").
  - b. **Submission of Briefs** – Any Party may submit, no less than seven (7) calendar days in advance of the hearing, a written brief of no more than 10 pages (on 8x11-inch paper, double-spaced with 12-point font and 1-inch margins), plus any exhibits such as drawings, photographs, or other supporting documentation. Such Party must provide an electronic copy in PDF format of all materials, as well as 15 complete sets of hard copies of all materials (electronic copy to be distributed to Council and other City officials, with hard copies for reference by members of the public). If more than one Opponent and/or more than one Supporter plan to submit such materials, such Opponents and/or Supporters are encouraged to consolidate their respective materials into a single Opponents' submission and/or a single Supporters' submission, but are not required to do so.
  - c. **Applicant's Initial Presentation** – At the hearing, Applicant shall have up to 20 minutes to present his/her case in support of the requested variance, including any witnesses and offers of evidence.
  - d. **Presentation by Supporter(s)** – Following Applicant's Initial Presentation, any Supporter shall have up to 5 minutes per person to present her/his case in support of the requested variance, including any witnesses and offers of evidence. If multiple Supporters wish to present, they will do so in alphabetical order of last name.
  - e. **Presentation by Opponent(s)** – Following Presentation by Supporter(s) (if any), any Opponent shall have up to 5 minutes per person to present her/his case in opposition to the requested variance, including any witnesses and offers of evidence. If multiple Opponents wish to present, they will do so in alphabetical order of last name.
  - f. **Proffer** – If any Party offers evidence not admitted by Council, such Party shall have the opportunity to proffer such evidence into the record.
  - g. **Applicant's Conclusion** – Following Presentation by Opponent(s) (if any), Applicant shall have up to 10 minutes to conclude her/his case, including any offer of evidence to rebut evidence from Opponent(s), and any closing/summary remarks.
4. Following the conclusion of the Councilmatic Variance Hearing, Council will take the following steps:
  - a. Council will deliberate in its quasi-judicial capacity at a time and place to be determined by Council.
  - b. Following deliberations, Council will vote on the outcome of the requested variance at a public meeting.
  - c. In conjunction with or subsequent to its vote, Council shall issue a written decision setting forth its findings of fact and conclusions of law with respect to the requested variance. Copies shall be provided to the Applicant and made available to the public.