

Village of Pinckney Zoning Board of Appeals Bylaws

Final 4/3/07

The following rules of procedure are hereby adopted by the Village of Pinckney Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as may be amended.

SECTION 1: Officers

- A. Selection and Tenure**—At the first regular meeting in March of each year, the zoning board of appeals shall select from its membership a chairperson, vice chairperson and secretary. An elected village official shall not serve as chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson**—The chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the zoning board of appeals or village Council.
- C. Vice Chairperson**—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the zoning board of appeals shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary**—The secretary shall execute documents in the name of the zoning board of appeals, perform the duties hereinafter listed below and shall perform such other duties as the zoning board of appeals may determine.
 - 1. **Minutes**—The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the village clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - 2. **Correspondence**—The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the zoning board of appeals. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the zoning board of appeals.
 - 3. **Attendance**—The secretary shall be responsible for maintaining an attendance record for each zoning board of appeals member and report those records annually to the zoning board of appeals for inclusion in the annual report to the village Council.

4. **Notices**—The secretary shall issue such notices as may be required by the zoning board of appeals.

E. Planning Commission Representative

The planning commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals.

SECTION 2: Meetings

- A. Meetings**—Meetings of the zoning board of appeals shall be held on the second Tuesday of each month, or as noted below. All meetings shall take place at the Village Hall, at 7:00 p.m..
- B. Notice**—Meetings shall be noticed in accordance with the requirements of the zoning ordinance. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.
- C. Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the zoning board of appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum**—A majority of the membership of the zoning board of appeals shall constitute a quorum for transacting business and taking official action for all matters. The zoning board of appeals shall not conduct business unless a majority of the regular members is present.
- E. Voting**—To pass or deny any variance, appeal or other official action required by the zoning ordinance, an affirmative vote of at least a majority of the total membership of the zoning board of appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any zoning board of appeals member or directed by the chairperson. All zoning board of appeals members, including the chairperson, shall vote on all matters, but the chairperson shall vote last.
- F. Agenda**—The chairperson shall be responsible for preparing an agenda for zoning board of appeals meetings. The order of business for meetings shall be as follows:
 1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Approval of Minutes
 5. Approval of Agenda
 6. Scheduled Public Hearings
 7. Other Matters to be Reviewed by the Zoning Board of Appeals
 - a. Correspondence Received
 - b. Zoning Board of Appeals Members
 8. Report of Planning Commission Representative
 9. Adjournment
- G. Public Hearings**—All public hearings held by the zoning board of appeals must be held

as part of a regular or special meeting of the zoning board of appeals. The following rules of procedure shall apply to public hearings held by the zoning board of appeals:

1. Chairperson opens public hearing and announces the subject.
2. Chairperson summarizes procedures/rules to be followed during the hearing.
3. Applicant presents request.
4. Village zoning administrator/planning consultant presents a summary or analysis of the request.
5. Persons wishing to comment on the request are recognized.
6. Chairperson closes public hearing and returns to the regular/special meeting.
7. Zoning board of appeals deliberates and decides.

To ensure that everyone has the opportunity to speak, the zoning board of appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.

All comments by the public and the zoning board of appeals shall be directed to the chairperson.

H. Special Meetings—Applicants to the zoning board of appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. The business the zoning board of appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings shall also be noticed as required by the Michigan Zoning Enabling Act, as may be amended, the Open Meetings Act and these bylaws.

SECTION 3: Duties of the Zoning Board of Appeals

The zoning board of appeals shall perform the following duties:

- .Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Michigan Zoning Enabling Act, Public Act 110 of 2006, as may be amended.
- .Prepare an annual budget for the zoning board of appeal's activities and submit to the village council.
- .Prepare an annual report of the zoning board of appeal's activities and submit to the village council.
- .Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a zoning board of appeals member, and for which appropriations of funds have been approved by the village council, as needed.
- .Perform other duties and responsibilities as requested by the village council or as may be specified in another village ordinance.
- .Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

SECTION 4: Duties of the Zoning Administrator and Planning Consultant

- A.** The zoning board of appeals shall be assisted by the zoning administrator and planning consultant in the performing the duties of the zoning board of appeals, as noted in Section 3.
- B.** The zoning administrator and planning consultant shall be responsible for the professional and administrative work in coordinating the functions of the zoning board of appeals.
- C.** The zoning administrator shall:
 - 1. Supervise and review the work of the planning consultant and village staff.
 - 2. Accept applications for matters to be reviewed by the zoning board of appeals and ensure that such applications are complete.
 - 3. Forward application materials to the zoning board of appeals at least one week prior to the meeting at which such matters will be considered.
 - 4. Inform the zoning board of appeals of administrative and enforcement actions taken on behalf of the village related to the zoning ordinance or other appropriate ordinance.
- D.** The planning consultant shall:
 - 1. Attend zoning board of appeals meetings, if requested by the village president.
 - 2. Consult with the zoning board of appeals, zoning administrator and other village officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance, as requested.
 - 3. Prepare and forward to the zoning administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the zoning board of appeals, if requested by the village president.
 - 4. Perform other duties as may be directed by the village council.
- E.** The zoning board of appeals may be assisted by other professional or village staff as needed, including the building inspector, village attorney, village engineer or other person or agency.

SECTION 5: Absences, Removals, Resignations, Vacancies and Alternates

- A.** To be excused, zoning board of appeals members shall notify the zoning administrator, zoning board of appeals chairperson or other zoning board of appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B.** Members of the zoning board of appeals may be removed by the village council, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused

absences. Alternates shall be notified to attend a meeting any time a regular member will be absent for two or more regular meetings or more than 30 days.

- C. A member may resign from the zoning board of appeals by sending a letter of resignation to the village president, village council or zoning board of appeals chairperson.
- D. Vacancies shall be filled by the village council within three months of resignation or removal of a member of the zoning board of appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner.
- E. The village council may appoint not more than two alternates to the zoning board of appeals. The alternate member may be called to sit as a regular member as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

SECTION 6: Conflict of Interest

- A. Zoning board of appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 - 1. A relative or other family member is involved in any request for which the zoning board of appeals is asked to make a decision;
 - 2. The zoning board of appeals member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
 - 3. The zoning board of appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the zoning board of appeals member declaring such conflict.
- B. The zoning board of appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the zoning board of appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. If he or she prefers, the member declaring a conflict may ask the other zoning board of appeals members to decide if he or she should abstain. The member declaring a conflict should absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the zoning board of appeals as a representative of the proposal.

SECTION 7: Amendments

These bylaws may be amended at any meeting by a vote of a majority of the membership of the zoning board of appeals.

Adopted by the Village of Pinckney Zoning Board of Appeals at a regular meeting on _____, 2006