

WEST BRANCH TOWNSHIP ZONING BOARD OF APPEALS BY-LAWS

1. Authorization

These rules of procedures are adopted by the West Branch Township Zoning Board of Appeals, Ogemaw County, Michigan (hereinafter referred to as the Board of Appeals) by authority of Section 11.1 of the West Branch Township Zoning Ordinance.

2. Membership and procedures

- 2.1 Membership: The Township Zoning Board of Appeals shall consist of (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission. One member may be a member of the Township Board. The remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee of the Township Board may not serve as a member, or employee, of the Zoning Board of Appeals. The Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals.
- 2.2 Terms: Board of Appeals members shall be appointed for three (3) years, except for members of the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has ended. All vacancies for unexpired terms shall be filled for the remainder of the term.
- 2.3 Selection of Officers: At the January meeting, the Board of Appeals shall select from its membership a chairperson and vice-chairperson who shall serve for a twelve month period and who shall be eligible for re-election. An elected officer of the township board may not serve as chairperson of the ZBA.
- 2.4 Duties of Officers: A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein and Roberts Rules of Order, unless otherwise specified by the Board of Appeals. The vice-chairperson shall act in the capacity of the chairperson in his/her absence and succeed to the office of chairperson in the event of a vacancy in that office and the Board of Appeals shall select a successor to the vice-chairperson at the earliest practicable time. The Board of Appeals shall hire a secretary/clerk who shall be responsible for the preparation of the minutes, keeping of pertinent public records, delivering communications, petitions, reports and related administrative duties to assure effective and informed Board of Appeals operations. In the Event the secretary/clerk is absent, the chairperson, or acting chairperson shall appoint a temporary secretary/clerk for such meeting.

3. Meetings

- 3.1 Meeting Notices: All meetings shall be posted at the West Branch Township Hall and on the township web site. The notice shall include the dates and times of the meetings, and any changes in the regular meeting dates and times, in accordance with the Open Meetings Act.

- 3.2 Regular Meetings: Regular meetings of the Board of Appeals shall be held monthly, if needed, or at the call of the chairperson. When a regular meeting falls on or near a legal holiday, the Board of Appeals shall select a suitable date in the month, in accordance with the Open Meetings Act. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. At a meeting without a quorum, matters of interest may be discussed, but no action can be taken until the next regular or special meeting. No additional public notices are required.
- 3.3 Public Comments: At a public meeting, or hearing, members of the public, who wish to speak, shall be limited to 3 minutes each. If someone needs more time to speak, the ZBA board may vote to increase the individual's time.
- 3.4 Minutes: Minutes shall be recorded of all proceedings which shall contain a record of Attendance, evidence and dates relevant to every case considered, together with the votes of the members of the final disposition of each case. Such minutes shall be filed along with all communications, in the office of the Township Clerk and become public record.
- 3.5 Motions: Motions shall be restated by the Secretary , or by the Chairperson before a vote is taken. The name of the maker and supporter of the motion shall be recorded.
- 3.6 Voting: The concurring, roll call vote, of a majority of the members of the Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, or to grant a variance from the terms or conditions of this Ordinance. Any motion deciding the outcome of a public hearing shall require a roll call vote. Ordinary business of the Board may be by majority voice vote; provided however, a roll call vote shall be required if requested by any Board of Appeals member or directed by the Chairperson.
All members of the Board of Appeals, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.
A member of the Board of Appeals shall disqualify himself/herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct.
- 3.7 Powers of Board of Appeals: The Zoning Board of Appeals shall have the power to act on those matters where the Ordinance provides for an administrative review, Ordinance Interpretation, variances to such requirements as lot area and width regulations, yard and depth regulations and off street parking and loading space requirements. The Board of Appeals may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- 3.8 Order of Business: A written agenda for all regular and special meetings shall be prepared by the chairperson.

The standard order shall be:

Call to order
Roll Call
Approval of Minutes
New Business (If public hearing, Open Hearing)
Comments by Applicant
Comments and Questions by Board Members
Written Comments by Public
Oral Comments by public
Final Comments and Discussion by Board Members
Close Public Hearing
Consideration of Action by Board Members
Other
Adjournment

The chairperson may modify the order of business as he/she deems necessary.

4. Open Meeting and Freedom of Information Provisions.

- 4.1 All meetings of the Board of Appeals shall be open to the public and held in a place available to the general public.
- 4.2 A person shall be permitted to address a hearing of the Board of Appeals, under the rules established in Section 3, to the extent that comments are applicable.
- 4.3 A person shall not be excluded from a meeting of the Board of Appeals, except for breach of peace committed at the meeting.
- 4.4 All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

5. Amendments

These rules may be amended by the Board of Appeals by concurring vote, pursuant to subsection 3.5, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

These By-Laws and Rules of Procedure Are Adopted This 3rd Day of March 2008.

Amended This 4th Day Of March 2013