

ZONING BOARD OF APPEALS

RULES OF PROCEDURE

ARTICLE I - OFFICERS

Sec. 1.0. Officers. The officers of the City of Munising Zoning Board of Appeals shall consist of a chairperson and Vice-Chairperson elected by the Board of Appeals at its annual meeting. Officers shall serve for a period of one year and may be reelected.

A Recording Secretary shall be provided to the Zoning Board of Appeals, but shall not have a vote in matters before the Board. In the event of the absence of the Recording Secretary from any meeting, the officer presiding shall designate an Acting Recording Secretary to serve for the meeting in question.

Sec. 1.1. Duties of Officers.

- a) Chairperson
 - 1) To preside at all meetings of the Board.
 - 2) To call Special Meetings in accordance with the Rules of Procedure.
 - 3) To see that all actions of the Board are properly taken.
 - 4) To sign all documents and letters of the Board.
- b) Vice-Chairperson
 - 1) During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.
- c) Recording Secretary
 - 1) To take and keep the Minutes of all meetings of the Board.
 - 2) To give or serve all notices required by law or these Rules of Procedure.
 - 3) To prepare the Agenda for all meetings of the Board.
 - 4) To properly file the Board's records.

Sec. 1.2. Vacancies. Should any vacancy occur among the members of the Zoning Board of Appeals by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given by the Chairperson to the Zoning Administrator and the City Clerk. Should any vacancy occur among the officers of the Zoning Board of Appeals, the vacant office shall be filled in accordance with the provisions of these Rules of Procedure, such officer to serve the unexpired term of the office in which such vacancy shall occur.

ARTICLE II - MEETINGS

Sec. 2.0. Annual Meeting. The Annual Meeting of the Zoning Board of Appeals shall be the first regular meeting in the month of January each year. Such meetings shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Board.

ZONING BOARD OF APPEALS

Sec. 2.1. Regular Meetings. Regular meetings of the Zoning Board of Appeals shall be held at least four times per year in the City Hall. At such meetings, the Board shall consider all matters properly brought before it. A regular meeting may be canceled or rescheduled by the Board at a prior meeting or by a majority of the members of the Board with sufficient public notice of said change. In the event a quorum of board members is not present at the regular meeting, the meeting shall be rescheduled to the next regularly scheduled meeting.

Sec. 2.2. Special Meetings. Special meetings of the Zoning Board of Appeals shall be held at a time and place designated by the officer calling the same, and shall be called by the Chairperson, Vice-Chairperson, or Secretary with the permission of a majority of the members of the Board, which permission may be obtained by telephone. Sufficient notice thereof as required by law or these Rules of Procedure shall be given by the Recording Secretary.

Sec. 2.3. Quorum. At any meeting of the Zoning Board of Appeals, a quorum shall consist of four members of the Board. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. Only when just four members are present shall the appellant be given the option to delay until a board of more than four members can hear his appeal.

Sec. 2.4. Voting. At all meetings of the Zoning Board of Appeals, each member attending shall be entitled to cast one vote. Voting on all appeals, and other matters upon which the Board is required to pass pursuant to law, shall be by roll call. All other action shall be by voice vote, except when a majority of the members present prefers a roll call or ballot vote.

Sec. 2.5. Disclosure. In the event that any members of the Zoning Board of Appeals shall have a personal interest in a matter then before the Board, he or she shall disclose his or her interest and be disqualified from voting upon the matter, and the Recording Secretary shall so record in the Minutes that no vote was cast by such member.

Sec. 2.6. Conduct of Meetings. All meetings of the Zoning Board of Appeals shall be open to the public. The order of Business at meetings shall be as follows:

- a) Roll Call
- b) Approve of the Minutes of the Previous Meetings
- c) Public Hearings
- d) Deliberations and determinations
- e) Old Business
- f) New Business

No member or other person shall speak until duly recognized by the chairperson, and he or she shall immediately cease speaking if ruled out of order. Speakers other than members, after being recognized, shall commence by identifying themselves by name and address.

ZONING BOARD OF APPEALS

Sec. 2.7. Adjourned Meeting. The Zoning Board of Appeals may adjourn a regular or special meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary for such meeting if time and place of its resumption is stated at the time of adjournment and is not changed after adjournment..

ARTICLE III - APPEALS

Sec. 3.0. Appeals. In addition to all other matters properly brought before the Zoning Board of Appeals, the Board shall hear and decide appeals from, and review any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance of the City of Munising. The Zoning Administrator shall appear in person to present information to the Zoning Board of Appeals (ZBA) when the work has been started before the appeal was brought to the Board.

Sec. 3.1. Time. All appeals to the zoning Board from any order, requirement, decision or determination made by the Zoning Administrator shall be made not later than ten (10) days after the start of construction or alterations or change in use authorized by any permit issued or within thirty (30) days of an action, order, requirement, decision or determination made by the Zoning Administrator.

Sec. 3.2. Schedule of Hearings. All appeals to the Zoning Board from any order, requirement, decision or determination made by the Zoning Administrator shall be heard, if scheduling permits, at the next scheduled meeting of the Board, if a notice of appeals and grounds therefore have been submitted to the Zoning Administrator and the Board, the Zoning Administrator shall, at least ten (10) days prior to any scheduled hearing, mail all notices required by law.

Sec. 3.3. Findings of Fact. Following the hearing of any appeal to the Zoning Board, the Board shall make a finding of fact upon which they shall base their decision. A finding of fact shall consist of the facts and circumstances relied upon by the Board in its determination of an appeal, and shall be based upon the evidence presented to the Board. The findings of fact and the decision thereon shall be recorded in the Minutes of the meeting.

Sec. 3.4. Decision. The Zoning Board shall adopt a decision on all matters properly brought before it within thirty (30) days from the date of the filing of the appeal.

Sec. 3.5. Conditions to appeals.

- (1) Unless otherwise specified by the Board all variances granted shall become null and void if not exercised within one year from the date of granting.
- (2) Unless otherwise specified by the Board all variances granted are granted in accordance with the site plan submitted to the Board for consideration.

ZONING BOARD OF APPEALS

Sec. 3.6. Reconsideration. Following any decision adopted by the Zoning Board, a Motion to Reconsider may be made at any time during the same meeting, or within ten (10) days thereof. The Motion may be made only by a member who either voted with the prevailing side or did not vote, and shall be filed in writing with the Recording Secretary. It may be seconded by any member. No decision shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. The applicant or aggrieved person who originally appealed to the Zoning Board shall be given notice if a Motion to Reconsider is made and filed in writing with the Recording Secretary.

Sec. 3.7. Rehearing. A person having an interest affected by the Zoning Ordinance may, in the event of a change in circumstance or the existence of new evidence for the Board to Consider, file for a rehearing which the Board may hear if it decides that there has in fact been a change in circumstances or that new evidence does exist.

- (1) Such requests shall be submitted to the City Planning Commission and the Zoning Administrator in writing, concisely stating the grounds for a rehearing and any new evidence or change of circumstance.
- (2) Such rehearings shall require a re-notice at least ten (10) days prior to any scheduled hearing as outlined under Section 3.2.

Sec. 3.8. Amendment. The Rules may be amended at any meeting of the Zoning Board of Appeals provided that said proposed amendment is provided each member in writing at least five (5) days prior to said meeting.

Order of Business
-Public Hearing-

-Need Motion to Open-

- 1.) Official Opening announcements, indicating the basic nature of request, citing public notice (newspaper and neighboring properties).
- 2.) Announce order of hearing
- 3.) Announce rules of presentation
- 4.) Presentation of Proposal
 - a. Presentation by ZA
 - Questions from Board Members
 - b. Presentation by applicant
 - Brief review of project proposal
 - Questions from Board Members
 - Statement of record for any changes to be made (Lot Coverage Ratio)
- 5.) Opening of Hearing to Floor - Announce
 - a.) Chair can ask ZA and/or Applicant for brief answers
- 6.) Receive into record any letters or petitions regarding the matter
- 7.) Close hearing (**Need Motion to Close**)
- 8.) Consideration by Board
 - a. Call for Motion
 - b. Board Members , when recognized, can continue discussion and seek additional information from others in attendance through the Chair.
 - c. Courses of action
 - Approval
 - Approval with conditions
 - Denial
 - Tabling to future meeting
 - d. Take roll call vote