

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS
RULES OF PROCEDURE**

RULE 1: AUTHORITY

These rules are adopted by the Charter Township of Meridian Zoning Board of Appeals (hereinafter referred to as the ZBA) pursuant to Section 86-62 of the Township Code of Ordinances and the Michigan Zoning Enabling Act (MZEA) 110 of 2006 (MCL 125.3101 et. seq.).

RULE 2: MEMBERSHIP

2.1 Membership. The Township Board shall establish the membership to the ZBA, as outlined in Section 86-62 of the Code of Ordinances and the Michigan Zoning Enabling Act (MZEA) 110 of 2006 (MCL 125.3101 et. seq.).

2.2 Chairperson and Vice Chairperson. At the first regular meeting of the ZBA each calendar year following appointments by the Township Board, the ZBA shall select a chairperson and vice chairperson from among the members, who shall not be an elected official of the Township. The vice chairperson shall be authorized to serve as chairperson in the event of the chairperson's absence or incapacity. The chairperson and the vice chairperson shall serve for one (1) year or until their successors are selected.

2.3 Temporary Chairperson. In the event that both the elected Chairperson and the elected Vice-Chairperson are not able to attend the same meeting, at the beginning of the meeting, the Zoning Board of Appeals shall establish a Temporary Chairperson for that meeting. The temporary chairperson shall not be an elected official.

2.4 Conflict of Interest. A conflict of interest arises when a member or the member's relative has a direct financial interest, positive or detrimental, in the outcome of a decision or action that the member may take as a public official; or when a member is a part of an entity which is involved in a business transaction with the Zoning Board of Appeals; or the member is engaged in or employed by or provides services to an entity whose mission is incompatible or in conflict with the discharge of the member's official duties or impairs the member's independence of judgment. A member is disqualified from voting on a matter where they have a conflict of interest as defined in this section or by a majority vote of the remaining members of the Zoning Board of Appeals. Before discussing or voting on the matter, the member shall disclose the conflict of interest. Failure of a member to disclose a known conflict of interest constitutes malfeasance in office.

RULE 3: MEETINGS

3.1 Meeting Schedule. The ZBA shall meet in regular session according to a schedule adopted at the beginning of the calendar year or as subsequently revised. Special meetings shall be called by the chairperson or shall be called at the request of three (3) members of the ZBA.

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3.2 Meetings. Meetings shall be usually held at the Township Municipal Building. Meetings shall be open to the public, except where closed sessions are permitted by the Michigan Open Meetings Act. A closed session shall require an affirmative roll call vote of four (4) members of the ZBA, except where otherwise provided by the Open Meetings Act 267 of 1976 (MCL 15.261 et. seq.).

3.3 Notice of Meetings. Notice of meetings and the agenda for business shall be published in a local newspaper in advance of the meeting and be posted in the Township Municipal Building. ZBA members shall be notified at least 24 hours in advance of any change in meeting schedule or location. If a case is adjourned for more than 36 hours, notice shall be provided in the same manner as the original hearing.

3.4 Agenda. An agenda outlining the order of business shall be developed by the Department of Community Planning and Development with concurrence of the chairperson. The following procedures shall apply:

- a. Appeals to be considered will have met criteria and deadlines for application, as adopted by the Charter Township of Meridian Code of Ordinances.
- b. The agenda may be reordered by the ZBA during a scheduled meeting.
- c. The ZBA may postpone action on an agenda item if substantive information or materials are submitted at the meeting at which the agenda item is scheduled for consideration.

3.5 Requirements for Action. All actions taken by the ZBA shall require the affirmative vote of at least three (3) members.

3.6 Representation. Any party may appear in person or by an agent or attorney at a hearing considering his or her request or appeal. Failure to appear will not necessarily deter action of the ZBA.

3.7 Public Participation. A member of the public may speak at public meetings of the ZBA in accordance with procedures adopted by the ZBA. The following procedures shall apply:

- a. Time for public comment shall be provided during a regular ZBA meeting.
- b. Individuals wishing to speak are requested to indicate their name and address prior to making their comments.
- c. Persons shall be recognized by the Chairperson before speaking and shall use a P.A. microphone, if available.
- d. Persons addressing the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the meeting.
- e. During a public hearing, the following order shall be used:
 - 1) Township staff review;
 - 2) Comments by the applicant or the applicant's designee(s);
 - 3) Comments by other persons;
 - 4) Applicant rebuttal;
 - 5) Discussion and action by the ZBA.

3.8 Hearing Schedule. The ZBA may postpone a hearing and no further notice shall be required, except as provided in the Open Meetings Act 267 of 1976 (MCL 15.261 et. seq.) and Section 3.3 above.

3.9 Performance Guarantee. At the time a variance is granted, the Zoning Board of Appeals may require that a cash deposit, certified check, or irrevocable bank letter of credit in a form acceptable to the Township Treasurer covering the estimated cost of the required improvements be deposited with the Township Treasurer to insure faithful completion of the improvements. As required improvements are completed, portions of a cash deposit or certified check may be rebated. In the case a letter of credit is on file with the Township Treasurer, as work progresses, a new letter of credit may replace the letter of credit on file.

3.10 Stay. An appeal of any administrative order, requirement, decision, or determination, stays all proceedings in furtherance of the action appealed unless the director of community planning and development, body, or officer certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court.

3.11 Correction Period. All violations shall be corrected within a reasonable time period, as determined by the Zoning Board of Appeals, not to exceed six (6) months, as the ZBA may permit upon application. A violation not corrected within the specified time period shall be reported to the Township Attorney.

RULE 4: ATTENDANCE AND QUORUM

4.1 Quorum. Three (3) members of the ZBA shall constitute a quorum.

4.2 Attendance. Members of the ZBA who are absent from more than three (3) consecutive, regularly scheduled ZBA meetings or more than forty percent (40%) of the regularly scheduled ZBA meetings in a calendar year may be subject to review and possible recommendation for removal to the Township Board. Exceptions may be made if absences are due to the conduct of other business as authorized by the ZBA. The following procedures shall apply:

- a. A member of the ZBA shall notify the ZBA staff person, who will immediately notify the ZBA Chairperson of an anticipated absence as far in advance of the meeting as possible, stating the reason for such absence.
- b. The Chairperson may postpone or reschedule a meeting in the event an alternate member is not available and a quorum will not be present.

RULE 5: RECORDS

5.1 Meeting Records. Minutes shall be maintained for all ZBA proceedings, including evidence, information and data relevant to each case under consideration, action taken, voting by members, grounds for each determination and final disposition of the case.

5.2 Maintenance of Records. Minutes of each ZBA meeting shall be filed with the Township Clerk and shall be available to the public. Minutes of closed sessions shall be maintained separately and not disclosed to the public, except upon court order.

RULE 6: COMMITTEES

6.1 Formation of Committees. The ZBA may establish committees to meet the needs and objectives of the ZBA and shall specify the number of members, terms of appointment, functions, goals and projected time period for such committees.

6.2 Appointments. Appointments to ZBA committees, or to committee vacancies, shall be made by the ZBA chairperson and confirmed by the ZBA.

6.3 Chairperson. The ZBA may appoint a chairperson for a committee or delegate such selection to committee members.

6.4 Public Notice. Notice of the formation of committees, their purpose, membership and meeting schedule shall be posted in the Meridian Municipal Building. All meetings and meeting records shall be open to the public except where otherwise provided by the Open Meetings Act or the Freedom of Information Act.

6.5 Accountability and Records. Committees shall be accountable to the ZBA. Records shall be maintained for all meetings. Reports and recommendations shall be submitted to the ZBA in writing.

6.6 Discharge of a Committee. A committee may be discharged from its responsibilities by a majority vote of the ZBA.

RULE 7: COUNSEL

The Township attorney shall act as legal counsel for the ZBA and shall be present at meetings upon request by the ZBA.

RULE 8: PARLIAMENTARY AUTHORITY

Robert's Rules of Order, Newly Revised, shall govern all questions of procedure not otherwise provided in these rules or in the Zoning Ordinance or by state or federal law.

RULE 9: SUSPENSION OF RULES

A motion to suspend these rules may be brought pursuant to an affirmative vote of three (3) members of the ZBA, as outlined in Robert's Rules of Order, Newly Revised.

RULE 10: REVIEW OF RULES

Rules and procedures adopted by the ZBA shall be reviewed when deemed necessary by the ZBA. Public notice shall be provided prior to the meeting at which this review will take place. Changes will require an affirmative vote of three (3) members of the ZBA.