

## WATSON TOWNSHIP

### ZONING BOARD OF APPEALS BYLAWS

The following rules of procedure are hereby adopted by the Watson Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

#### **SECTION 1: Officers**

- A. Selection and Tenure-On the first Tuesday of March of each year, the zoning board of appeals shall select from its membership a chairperson, vice chairperson and secretary. An elected township 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 zoning board of appeals or township board.
- C. Vice Chairperson-The vice chairperson shall act in the capacity of the chairperson in his/her absence or recusal. 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 township clerk. The minutes shall contain a record of attendance, a brief synopsis of the meeting, including a summary of each petition, a complete restatement of all motions and a record of votes and conditions attached to any action.
  - 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 township board.
  - 4. Notices-The secretary shall issue such notices as may be required by the zoning board of appeals.

Under the authority and supervision of the Secretary, the above duties may be delegated to a non-member recording secretary.

- E. **Planning Commission and Township Board Ex-Officio Representatives**-The planning commission representative (and if applicable the Township Board representative), to the zoning board of appeals shall report the actions of the zoning board of appeals to their respective boards and update the zoning board of appeals on actions by such boards that relate to the functions and duties of the zoning board of appeals.

## **SECTION 2: Meetings**

- A. **Meetings**-All meetings shall take place at the Watson Township Hall located at 1895 118th Ave. at 7:00 p.m. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may specify in a resolution past at the first meeting of each calendar year. If a schedule of the times and dates of regular meetings is established by resolution, such schedule shall be posted within 10 days after the passage of such resolution and shall state the dates, times, and places of the regular meetings. The location of the posting shall be in accordance with the open meetings act.
- B. **Notice of Meetings**- All regular and special meetings, hearings, shall be open to the public. The Township Clerk, or other Township administrative personnel as designated by the clerk, shall post the notice of each meeting of the Zoning Board of Appeals in a conspicuous location at the Township Office and in compliance with the Open Meetings Act.
- C. **Special Meetings**-Applicants to the zoning board of appeals may request a special meeting, of which all costs shall be paid by the applicant. Special meetings shall also be noticed as required by the Township Zoning Act, as amended, the Open Meetings Act and these bylaws.
- D. **Required Notices and Posting of Public Hearings**-When a notice of appeal or variance request or interpretation has been filed in proper form with the Zoning Board of Appeals, the secretary or designee of the secretary shall after consultation with the chairperson, immediately place such request for appeal on the calendar for hearing and shall cause notice to be provided in the manner required by statute and specified in the zoning ordinance. The Zoning Board of Appeals may recess such hearing from time to time. If a meeting or public hearing is recessed for more than 36 hours it shall be reconvened only after a public notice stating the date, time, and place of the meeting is posted in accordance with the open meetings act at least 18 hours before the meeting.
- E. **Records and Accounts to be Public**-The records and accounts of all proceedings shall be open to the public. All 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. The minutes shall contain evidence and data relevant to every case considered, the names and addresses of each applicant, (and/or his or her representative) present the members of the public who spoke relative to each case considered during the meeting and a tabulation of the vote of each member and the

final disposition of each case. The records and accounts of all proceedings shall be filed in the office of the Township clerk.

- F. **Quorum**-No less than three regular members of the Zoning Board of Appeals must be present to conduct the business of opening and closing a meeting and the approval of minutes, and holding duly noticed and posted public hearings. No less than three members in any combination of regular or alternate members shall however, constitute a quorum for the purpose of taking official action on a matter brought to the Board.
- G. **Approval of Minutes**-The minutes shall be approved at the next meeting of the zoning board of appeals unless a variance or appeal has been denied in which case the zoning board of appeals shall meet within 10 to 15 days after meeting to approve the minutes.
- H. **Voting**-To approve 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.
- I. **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. Approval of Minutes
  - 4. Approval of Agenda
  - 5. Conflict of Interest Inquiry
  - 6. Scheduled Public Hearings
  - 7. Other Matters to be Reviewed by the Zoning Board of Appeals
    - a. Tabled or Unfinished Business
    - b. Comments from Public on Matters not Already Addressed
    - c. Correspondence Received
    - d. Zoning Board of Appeals Members Comments
  - 8. Report of Planning Commission Representative
  - 9. Adjournment
- B. **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. Township 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.
7. Zoning board of appeals deliberates and decides and action is taken.

To ensure that everyone has the opportunity to speak, the chair person 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.

### **SECTION 3: Duties of the Zoning Board of Appeals**

The zoning board of appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and the Zoning Enabling Act.
- B. Prepare an annual budget for the zoning board of appeal's activities and submit to the township board.
- C. 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 township board, as needed.
- D. Perform other duties and responsibilities as requested by the township board or as may be specified in another township ordinance.
- E. 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, as directed by the Township Board, be assisted by the zoning administrator and planning consultant in performing the duties of the zoning board of appeals, as outlined 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 as directed by the Township Board.
- C. The zoning administrator shall:
  1. Accept applications for matters to be reviewed by the zoning board of appeals and ensure that such applications are complete.

2. Forward application materials to the zoning board of appeals at least one week prior to the meeting at which such matters will be considered.
  3. Inform the zoning board of appeals of administrative and enforcement actions taken on behalf of the township related to the zoning ordinance or other appropriate ordinance.
- D. The planning consultant shall:
1. Attend zoning board of appeals meetings, if requested.
  2. Consult with the zoning board of appeals, zoning administrator and other township officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance, as requested.
  3. Conduct one planning/zoning workshop each year for the township board, zoning board of appeals, and zoning administrator, as requested.
  4. 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 chairperson of the zoning board of appeals.
  5. Perform other duties as may be directed by the zoning board of appeals.
- E. The zoning board of appeals may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township 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 township supervisor, 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 township board, 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. Alternate members 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 township supervisor, township board or zoning board of appeals chairperson.
- D. Vacancies shall be filled by the township board as soon as possible after 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 township board 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 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. Deliberating on, voting on, or reviewing a case concerning him or her.
  - 2. A relative or other family member is involved in any request for which the zoning board of appeals is asked to make a decision;
  - 3. 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;
  - 4. 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;
  - 5. Deliberating on, voting on, or reviewing a case which is an action which results in a financial benefit to him or her.
  - 6. Deliberating on, voting on, or reviewing a case where his or her employee or employer is:
    - 1. An applicant or agent for an applicant, or
    - 2. Has a direct interest in the outcome.
  - 7. A member of the Zoning Board of Appeals who is a member of the Planning Commission or the Township Board shall not participate in a Public Hearing on, deliberate on, or vote on a matter that the member voted on as a member of the Planning Commission or Township Board.
  - 8. There is a reasonable appearance of a conflict of interest, as determined by the zoning board of appeals member declaring such conflict.
- B. **Determination of Conflict of Interest.**-If there is a question whether a conflict of interest exists or not, the question shall be put before the other members of Zoning Board of Appeals. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Zoning Board of Appeals.
- C. **Conflicts of Interest.**-When a conflict of interest exists, the member shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
  - 1. Upon the initial receipt of the official notice of appeal declare to the chairperson of the Zoning Board of Appeals that a conflict exists and at the meeting of the Zoning Board of Appeals, prior to the public hearing on the matter in which there is a conflict, declare that a conflict or potential conflict exists.

2. Cease to participate at the meeting, or in any other manner, or represent one's self before the Zoning Board of Appeals, its staff, or others, with respect to the issue where the conflict exists.
  3. During deliberation of the agenda item before the Board, leave the meeting or remove one's self from the front table where members of the Zoning Board of Appeals sit, until that agenda item is concluded.
- D. **Ex Parte Contact**-The Chairperson shall be the official spokesperson for the Zoning Board of Appeals and may be called upon to communicate with appellants and applicants on matters of procedure. Whenever possible, all members shall avoid Ex Parte contact regarding cases. It is recognized however, that it is not possible to always avoid Ex Parte contact. When it occurs, the member should take detailed notes on what was said and at the appropriate public meeting or hearing report to the Zoning Board of Appeals what was said, so that every member and other interested parties are made aware of what was said.

**SECTION 7: Amendments**

- A. 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 Watson Township Zoning Board of Appeals March 3, 2009.

Chairperson  Secretary 