

**CITY OF BIG RAPIDS ZONING BOARD OF APPEALS  
BYLAWS AND RULES OF PROCEDURE**

**1. AUTHORITY**

These Bylaws and Rules of Procedures are adopted by the City of Big Rapids, Zoning Board of Appeals (hereinafter referred to as the ZBA) in accordance with the City or Village Zoning Act, P.A. 207 of 1921, as amended; the Big Rapids Zoning Ordinance, Chapter 51 of the City Code of Ordinances; the Open Meetings Act, P.A. 267 of 1976, as amended; the Freedom of Information Act, P.A. 442 of 1976, as amended; and all applicable federal, state, and local laws and regulations that apply.

**2. OFFICERS/MEMBERS**

2.1 Selection. The ZBA shall select from its membership a Chairperson and Vice-Chairperson at the annual organizational meeting. The Chairperson shall appoint a Secretary who need not be a member of the ZBA.

2.2 Duties. A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson in the absence of the Chairperson shall act in the capacity of the Chairperson. The Vice-Chairperson shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the ZBA shall select a successor to the office of Vice-Chairperson at the earliest possible time.

2.3 Tenure. The Chairperson and Vice-Chairperson shall take office immediately following their election and shall hold their office for a term of twelve months.

**3. APPLICATIONS**

3.1 Applications. An application must be filed no later than the first Thursday of the month for the ZBA to review the application on the fourth Thursday of the same month. The ZBA can hear and decide appeals on: an interpretation of the zoning ordinance or map, a decision made by a Zoning Enforcement Official, or a formal variance request from a specific zoning ordinance requirement,

3.2 Applicant. Upon formal application for a zoning variance, the applicant shall be given a copy of the standards that govern the decision making of the ZBA. For a USE variance the applicant will be given a copy of the items that (if it can be shown exist) would demonstrate an "unnecessary hardship". For a NOHUSE variance the applicant will be given a copy of the items that (if it can be shown exist) would demonstrate a "practical difficulty".

**4. MEETINGS**

4.1 Meeting Notices. An application must be filed no later than the first Thursday of the month for the ZBA to review the application on the fourth Thursday of the same

month. The ZBA can hear and decide appeals on: an interpretation of the zoning ordinance or map, a decision made by a Zoning Enforcement Official, or a formal variance request from a specific zoning ordinance requirement,

4.2 Annual Organizational Meeting. The annual organizational meeting of the ZBA shall be the first regular meeting in the month of July each year. If no meeting has been scheduled for the month of July, the annual organizational meeting shall be held at the first meeting of the ZBA following the month of July. At the annual organizational meeting the ZBA shall:

- 1) Elect officers for the ensuing year
- 2) Appoint a Secretary

4.3 Meetings. Meetings of the ZBA will be held in response to applications made. Meetings of the ZBA will be held in City Hall on the fourth Thursday of the month. When a meeting date falls on or near a legal holiday, the Secretary may select a suitable alternative date.

4.4 Special Meetings. A special meeting may be called by the Chairperson or by two members of the ZBA upon written request to the Chairperson. The business which the ZBA may perform shall be conducted at a public meeting of the ZBA held in compliance with the Open Meetings Act. Public Notice of the date, place, time, and topic of the special meeting shall be given in a manner as required by the Open Meetings Act. The Secretary shall send written notice of a special meeting to ZBA members no fewer than 48 hours in advance of the meeting.

4.5 Quorum. In order for the ZBA to conduct business or take any official action, a quorum consisting of a 2/3 majority of the ZBA (i.e., four members) shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the ZBA may discuss matters of interest, but can take no action until the next regular or special meeting. Any public hearing(s) that may have been scheduled shall be rescheduled for the next meeting at the same time.

4.6 Order of Business. A written agenda for all regular meetings shall be prepared, and the order of business shall be:

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes
- 4) Public Comments (not related to items on the agenda)
- 5) Public Hearings
- 6) General Business
- 7) Adjournment

4.7 Public Comments. At the public comment portion of the agenda anyone can address the ZBA on any topic not related to items on the agenda. During the public comment portion of the agenda each person is limited to five minutes and anyone representing a group is limited to ten minutes.

4.8 Public Hearings. Public hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in section 1. Public hearings conducted by the ZBA shall be run in an orderly and timely fashion, accomplished by the Chairperson using the following procedure:

1. Announce the subject of the public hearing.
2. Announce that the public hearing will be opened for public comments and closed at the conclusion of public participation, that the ZBA will then review the facts presented among board members only and that no further public participation will be permitted.
3. Announce that each speaker is to begin by giving his or her name and address, and that each speaker avoid repetition of points previously described, and that other than the applicant speakers are limited to five minutes, and anyone representing a group limited to ten minutes.
4. Announce the order of presentations to be made:
  - (1) Staff provides description of the request.
  - (2) Public hearing is opened
  - (3) Opportunity for applicant to make a presentation.
  - (4) Opportunity for those in favor to speak.
  - (5) Opportunity for those in opposition to speak.
  - (6) Any written materials received are read.
  - (7) Rebuttal by applicant to opposition.
  - (8) Public hearing is closed.
  - (9) Fact finding discussion by ZBA.
  - (10) Action taken by ZBA.

4.9 Motions. Motions shall be restated by the Secretary at the request of the Chairperson or any member of the ZBA before a vote is taken. The motion, name of the motion maker, name of the supporter, and vote on the motion shall be recorded.

4.10 Voting. A vote of 2/3 majority of the ZBA (i.e., four members) shall be necessary to decide in favor of the applicant on any matter upon which the ZBA is required to take action. Voting shall ordinarily be by voice vote, provided that a roll call vote shall be required if directed by the Chairperson. It is the duty of all members of the ZBA to vote on all motions, and the Chairperson shall vote last. However, any member may be excused from voting if that person has a genuine conflict of interest. Once a conflict of interest has been declared he/she shall not participate in any discussion on that case from that point forward. If an alternate member is unavailable at the time a conflict of interest is declared, the regular member shall vote by casting a vote of abstain.

4.11 Alternate Members. Alternate members may be called upon to sit in the absence of a regular member of the ZBA, and shall have the same voting rights as a regular member.

An alternate may also be called upon to serve for the purposes of reaching a decision on an individual case in which a regular member indicates they would have to abstain for reasons of a conflict of interest. The regular member should make the possible abstaining vote known before the public hearing is opened. The regular member can then be excused and replaced with an alternate member by the Chairperson, but only before the opening of the public hearing on that individual case. Upon completion of the individual case, the alternate member shall be replaced with the regular members by the Chairperson.

4.12 Notice of Decision. A copy of the decision of the ZBA shall promptly be sent to the applicant and to the Compliance Office.

4.13 Rules of Order. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the ZBA may adopt.

## 5. MINUTES

ZBA minutes shall be prepared by the Secretary of the ZBA. The minutes shall contain a brief synopsis of the meeting including a recording of ZBA members attendance, a complete restatement of all motions, and recording of votes. All communications and any actions taken shall be attached to the minutes. The official records shall be annually deposited in the Office of the City Clerk

## 6. MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE PLANNING COMMISSION

Staff to the ZBA shall take action in the name of the ZBA in accordance with such plans, policies, and procedures established by the ZBA. If a serious conflict of interest, public controversy, or uncertainty as to the plans, policies, or procedures approved by the ZBA occurs; staff shall make the matter known for resolution by the ZBA.

## 7. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

All deliberations and decisions of the ZBA shall be made at meetings open to the public and held in accordance with the Open Meetings Act. All records, files, publications, correspondence, and other materials will be made available to the public in accordance with the Freedom of Information Act.

## 8. AMENDMENTS

These rules may be amended by a 2/3 majority vote of the ZBA (i.e., 4 members) during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least one week prior to the meeting at which such amendments are to be considered.

THESE BYLAWS AND RULES OF PROCEDURE WERE ORIGINALLY ADOPTED ON JULY 25, 1991.

AMENDMENTS TO SUBSECTIONS 4.8(4) WERE MADE ON  
AUGUST 27, 1992.