

## **Rules of Procedures and Policy**

### **CITY OF YPSILANTI Zoning Board of Appeals**

#### **ARTICLE I – Name**

The name of this Board shall be the Zoning Board of Appeals of the City of Ypsilanti, hereinafter referred to as “Board.”

#### **ARTICLE II – Objectives**

- Section 1. The objectives, purposes, powers, and duties of the Board are those set Forth by Chapter 122, Zoning, and all subsequent amendments thereto, in accordance with Act No. 110 of the Public Acts of Michigan of 2006, as amended.
- Section 2. The Board is empowered by Chapter 122 to decide upon applications for the following requests:
- (1) Interpretation of the official zoning map, including the interpretation of the location of zoning district boundaries when in doubt.
  - (2) The interpretation of the language of this chapter when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation.
  - (3) The hearing of requests for variances from the strict application of the provisions of this chapter in accordance with section 122-94.
  - (4) The hearing of requests for appeals from any order, requirement, decisions, or determination made by an administrative body or official charged with the enforcement of this chapter in accordance with section 122-95.
  - (5) Hear and decide on any other matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under the terms of this chapter.

#### **ARTICLE III – Membership**

- Section 1. Members shall be citizens of the City of Ypsilanti. One (1) regular member shall be a member of the Planning Commission. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals. One member may be a member of the

legislative body but shall not serve as chairperson of the Zoning Board of Appeals.

Section 2. The Board shall consist of five (5) regular members and two (2) alternates. An alternate may vote when any one (1) member is absent. Whenever an alternate is serving and an item at that meeting is tabled to a future meeting, the alternate must be present to vote on the tabled item.

Section 3. A member who is absent from three (3) consecutive regular meetings, or three of seven consecutive meetings, without recorded consent of the chairperson shall be considered to have resigned from the Board by absence.

Section 4. A member who is unable to attend a regular or special meeting shall contact the City Planner at least one (1) week in advance of the scheduled meeting, whenever possible, so that an alternate member can be contacted.

#### **ARTICLE IV – Officers and Their Duties**

Section 1. The officers shall be a Chairperson and Vice Chairperson.

Section 2. Such other officers, subcommittees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Board.

Section 3. The Chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.

Section 4. The Vice Chairperson shall preside and exercise all of the duties of the Chairperson in his/her absence. Should neither the Chairperson nor the Vice Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority vote of the members present.

Section 5. The Chairperson and the City Planner shall sign all legal documents for the Board.

Section 6. The City Planner or delegate shall act as the Secretary of the Board and shall be responsible for the minutes and records of all proceedings and cases before the Board.

## **ARTICLE V – Election of Officers**

- Section 1. Nomination of officers shall be made from the floor at the annual organization meeting which shall be the regular meeting in June each year and the election shall be immediately thereafter.
- Section 2. A candidate receiving a majority vote of the entire Board, shall be declared elected and shall serve a term of one (1) year or until his/her successor shall take office.
- Section 3. Vacancies in offices shall be filled immediately by regular election procedures.
- Section 4. The officers shall be members of the Board.

## **ARTICLE VI – Meetings**

- Section 1. All regular and special meetings, hearings, and records shall be open to the public, in accordance with State of Michigan Public Act 442 of 1976 and 267 of 1976.
- Section 2. The regular meetings of the Board are to be held on the fourth Wednesday of each month, except when such day falls on a legal holiday, in which case the Board shall determine when the meeting shall be held.
- Section 3. A special meeting of the Board may be called by the Chairperson, or by the Vice Chairperson in the event the Chairperson is unavailable, or by any three members of the Board. Each member of the Board must receive at least two (2) days notice of the time, place, and purpose of the meeting.
- Section 4. All inquiries, applications, or matters requiring official action by the Board shall be submitted in writing; be properly drafted on official forms necessary; and contain all relevant information regarding the matter upon which the Board is requested to act, in accordance with the requirements of the Zoning Ordinance. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the City Planner, or by withdrawing in person at the public hearing at which the matter is scheduled for consideration.
- Section 5. The normal order of business at meetings shall be as follows:
1. Call to Order
  2. Roll Call
  3. Approval of Minutes
  4. Purpose of Meeting

5. Old Business
6. New Business
7. Adjournment

The order of business may be suspended by vote of two-thirds (2/3rds) of the members present.

- Section 6. A quorum shall consist of four (4) members.
- Section 7. All proceedings, decisions and resolutions of the Board shall be initiated by motion.
- Section 8. The concurring vote of a majority of the members of the Board present shall be necessary to reverse any order, requirement, decision on determination of any administrative official, or to decide any matter upon which the Board is required to pass by law, or to effect any variance in the terms of the Zoning Ordinance except that a concurring vote of two-thirds (2/3rds) of the members of the Board shall be necessary to grant a variance from uses of land permitted in the ordinance.
- Section 9. Voting shall be by voice vote and shall be recorded as individual ayes or nays unless requested by a member of the Board, in which case, the Chairperson shall order the vote to be so recorded, except that any member may abstain by so declaring prior to vote.
- Section 10. Parliamentary procedure in Board meetings shall be governed by Roberts Rules of Order, as amended. The City Planner shall act as Parliamentarian during Board meetings.
- Section 11. Minutes of all proceedings shall be kept, including all motions, findings, decisions, actions, and stipulations. The minutes shall be approved or amended by the Board at the following meeting and shall be kept on permanent record.

#### **ARTICLE VII – Procedures**

- Section 1. Applications shall be made by the record owner of the property in question or by a person authorized to act on the record owner's behalf. Such applicant may appear in his/her own behalf or may be represented by his/her attorney or agent at the hearing.
- Section 2. A written notice including the date, time, and place of the public hearing, the nature of the appeal, and a description of the property under consideration shall be mailed to the applicant, to persons to whom real property within 300 feet of the premises in question is assessed, and to occupants of all single-family and two-family dwellings within 300 feet of

the premises. The notice shall also be published in a newspaper of general circulation in the city at least once fifteen (15) days prior to the public hearing and in accordance with other Michigan statutory requirements.

Section 3. The order of procedure of hearing shall be:

- a. Board Chairperson declares the public hearing open stating the name of the case and directs that all persons present in connection therewith identify themselves by name and address. Chairperson explains the procedure.
- b. City Planner presents the official records and staff report of the case.
- c. City Planner presents staff recommendation.
- d. Hearing of applicant's case.
- e. Public Comment
- f. There shall be a maximum of 60 total minutes of public comment allowed per application. The maximum time allowed for public comment remarks shall not exceed 3 to 5 minutes per person (time allowed will determined by Chairperson and will depend on the number of people participating).
- g. Optional final comments by applicant, at the Chairperson's discretion, and limited to 5 minutes.
- h. Closing of public hearing – motion to close shall require majority concurrence of all members attending to carry.
- i. Discussion by Board members.
- j. Deliberation by the Board.

Section 5. An application for a variance which has been denied wholly or in part by the Board shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence of changed conditions found by the Board to be valid.

### **ARTICLE VIII – Variances**

Section 1. Decisions on variances shall be in accordance with the Zoning Ordinance, Michigan state law, and all judicial precedent guiding the application of the Zoning Ordinance.

Section 2. All motions to approve, approve with conditions, or disapprove any variance request shall state the basis of the motion and the findings upon which the motion is made.

### **ARTICLE IX – Administrative Appeals**

Section 1. Administrative appeals may be commenced by a person aggrieved only after a decision of the applicable city official or agency has been made. Said appeal shall be made within sixty (60) days of the determination (including but not limited to an order, denial of permit, or requirement).

Section 2. The filing of appeal stays all proceedings in furtherance of the action appealed from unless the Building Department certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property.

### **ARTICLE X – Specific Interpretations**

Section 1. A specific interpretation shall require public notice pursuant to Section 122-93 of the Zoning Ordinance, as amended.

Section 2. A special interpretation may be requested by staff as well as any other citizen or applicant.

### **ARTICLE XI – Disposition of Administrative Appeals and Applications**

Section 1. Whenever any variance is approved by resolution of the Board, the necessary permits shall be obtained and any authorized actions shall be begun within one year following the date of such variance or authorization. Should the applicant fail to obtain such permits or fail to commence work within such subsequent period, it shall be presumed that the applicant/appellant has waived, withdrawn, or abandoned his appeal; and all permissions, authorizations, variances, and permits shall be deemed to be rescinded.

### **ARTICLE XII – Amendment/Adoption**

These Rules of Procedure and Policy may be amended at any regular meeting upon an affirmative vote of two-thirds (2/3rds) of the members of the Board.

These Rules of Procedure and Policy were adopted by the Zoning Board of Appeals July 22, 2009, on a motion by Board Member **Andrews** and supported by **Udoji**. Motion carried **unanimously**.