



THE RULES OF PROCEDURE AND BYLAWS

OF

THE ZONING BOARD OF APPEALS

OF

THE CITY OF YPSILANTI, MICHIGAN

Adopted January 2019

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

The objectives, purposes, powers, and duties of the Board are those set forth by Chapter 122, Zoning, of the City Code of Ordinances, and all subsequent amendments thereto, in accordance with Act No. 110 of the Public Acts of Michigan of 2006, as amended.

ARTICLE III – Membership

- Section 1. Members of the Board shall be as set forth in the Ordinance and in the Act.
- Section 2. The first priority of each member of the Board shall be to represent and advocate what is best for the City of Ypsilanti as a whole, putting aside personal or special interests.
- Section 3. Term length and residency requirements shall be in accordance with the Act, the Ordinance, and City Charter. Terms will be based on the City's fiscal year, from July 1 to June 30.
- Section 4. Each member of the Board shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or adjacent to property owned by the member; or a corporation or partnership in which the member has an ownership, employment, or other financial interest. A Board member may consider the possibility of declaring a conflict of interest if their home or property falls within the public noticing radius requirement as prescribed by Section 103 of the Zoning Enabling Act. Determination of a conflict of interest shall be in accordance with Chapter 46, Article III, of the City of Ypsilanti Code of Ordinances.
- Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Board determines that a conflict exists, they shall remove themselves from the meeting room during hearing and deliberation of the case and abstain in accordance with the Ordinance.
- Section 5. The Board shall consist of five (5) regular members and two (2) alternates.
- Section 6. Alternates must vote at such times as specified in the Ordinance.
- Section 7. Any member may resign at any time by giving written notice of such resignation to the Chair in accordance with the Ordinance. The Chair shall promptly notify the Mayor and City Clerk of the resignation.
- Section 8. A member who is unable to attend a regular or special meeting shall contact the Chair or City Planner as far in advance of the scheduled meeting as practicable, so that an alternate member can be contacted.

ARTICLE IV – Officers and Their Duties

- Section 1. The officers shall be a Chair and Vice Chair.

- 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 Chair 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 Chair shall preside and exercise all of the duties of the Chair in their absence. Should neither the Chair nor the Vice Chair be present at a meeting, a temporary Chair shall be elected by a majority vote of the members present.
- Section 5. The Chair and the City Planner shall sign all legal documents for the Board.
- Section 6. The City Planner or their 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.
- Section 7. 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 8. 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 their successor shall take office.
- Section 9. Vacancies in offices shall be filled immediately by regular election procedures.
- Section 10. The officers shall be members of the Board.

ARTICLE V – Meetings

- Section 1. All regular and special meetings, hearings, and records shall be open to the public, under the Open Meetings Act of the State of Michigan.
- Section 2. The Board shall hold no less than two regular meetings per year.
- Section 3. A special meeting of the Board may be called by the Chair, or by the Vice Chair in the event the Chair is unavailable. 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 three (3) members.

Section 7. All proceedings, decisions, and resolutions of the Board shall be initiated by motion.

Section 8. Parliamentary procedure in Board meetings shall be governed by Roberts Rules of Order, as amended. The City Planner or their designee shall act as Parliamentarian during Board meetings.

ARTICLE VI – Board Absences

Section 1. In order to maintain maximum participation of all appointed Board members at all regularly scheduled meetings, the following attendance guide and Board member replacement policy for “excused” or “unexcused” should be implemented:

- a. When appointed, each board member should state their willingness and intention to attend each scheduled meeting of the Board.
- b. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the member from attending the scheduled meeting; the Board, professional staff of the City, or the Board Chair should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Board member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- c. There will be a limit of three (3) consecutive “excused absences” or two (2) consecutive “unexcused absences” for any member of the Board. If any member exceeds the above criteria for consecutive absences, the Board member will be recommended for dismissal unless extenuating circumstances exist.
- d. If any Board member is absent, whether excused or not, from any five (5) scheduled monthly Board meetings, whether consecutive or not, during any one year period, the Board member will be recommended for dismissal unless extenuating circumstances exist.
- e. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.

ARTICLE VII – Procedures

Section 1. The order of procedure of hearing shall be:

- a. The Chair shall state the name of the case and explain the particulars thereof in brief.
- b. City Planner or their designee shall present the official records, staff report, and staff recommendation in regards to the case.
- c. The applicant and/or their representative shall be invited to present their case.
- d. The Chair shall declare the public hearing open, and shall direct that all persons present in connection therewith identify themselves by name and address.
- e. The Chair may invite final comments from the applicant, at the Chair’s discretion.

- f. The motion to close the public hearing shall require majority concurrence of all members attending to carry.
- g. Discussion by Board members.
- h. Deliberation by the Board.

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

Section 3. Decisions shall be in accordance with the Zoning Ordinance, Michigan state law, and all judicial precedent guiding the application of the Zoning Ordinance.

ARTICLE VIII – Amendment/Adoption

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

Moved by Boardmember Roach and supported by Boardmember Khan that the Rules of Procedure and Bylaws of the Zoning Board of Appeals be adopted.

AYES: 5 NAYS: 0 ABSENT: 1 (Talaga)