

CITY OF FLUSHING
ZONING BOARD OF APPEALS
BY-LAWS
&
GUIDELINES

Amended: 7/26/2016

ZONING BOARD OF APPEALS

BY-LAWS/GUIDELINES

Article I – Creation

- Section 1. A Zoning Board of Appeals is established in accordance with Act 110 of 2006, as amended.
- Section 2. Powers of and the limitation of power of the Zoning Board of Appeals and the Procedure for Appeals is defined in Article 11 of the City of Flushing Zoning Ordinances.

Article II – Membership

The Zoning Board of Appeals shall consist of not less than five Regular members, and two Alternate Members may be appointed by resolution of the City Council. One member of the Board shall be a member of the Planning Commission.

Article III – Officers and Duties

The Board of Appeals shall have a Chairperson, Vice Chairperson and a Secretary.

- Section 1. The Chairperson shall preside at all meetings.
- Section 2. The Vice-Chairperson shall preside in the absence of the Chairperson.
- Section 3. If the Chairperson and Vice Chairperson are absent and a quorum is otherwise present, the longest serving Board member may serve as a Temporary Acting Chairperson “Pro Tem” for the purpose of conducting said meeting at his/her discretion.

Article IV – Election of Officers

- Section 1. An election of officers of the Board shall be held at the regular March meeting of each year.
- Section 2. The term of office of the Chairperson and Vice Chairperson shall be for one year.
- Section 3. The Secretary, designated by the City Clerk, shall keep a record of the minutes of all meetings; a record of all transcripts, records, plans, etc. brought before the Board, and records the vote of each member upon each question or, if absent, of failing to vote.

Article V – Meetings

- Section 1. Regular meetings shall be held quarterly on a weekday and at a time determined at the convenience of the Board.
- Section 2. Special meetings may be called by the Chairperson or, in their absence, the Vice Chairperson, as deemed necessary, with seven (7) days prior notification. Such notification will include the reason and/or agenda of the special meeting. Special meeting notices must be posted at the City Hall.
- Section 3. Any Regular Member or Alternate Member of the Board who has three (3) unexcused consecutive meetings absences will be reported to the City Council for replacement at the discretion of the Council.
- Section 4. All meetings, hearings, and records shall be open to the public and posted in compliance with PA 267 of 1976 (the Michigan Open Meetings Act).
- Section 5. The conduct of a Regular Meeting shall require the following order of business:
- A) Call to order
 - B) Roll call
 - C) Pledge of Allegiance
 - D) Agenda approval
 - E) Meeting Open to the Public
 - F) Approval of Minutes of the previous
 - G) Old Business
 - H) New Business
 - I) Staff Reports
 - J) Adjournment
- Section 6. Meetings of the Board of Appeals shall be conducted in accordance with the provisions of Robert’s Rules of Order.
- Section 7. All Rules and Regulations of the Board shall be in compliance with the Rules and Regulations of the City of Flushing and the State of Michigan.

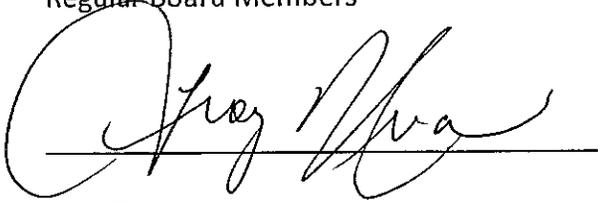
Article VI – Voting

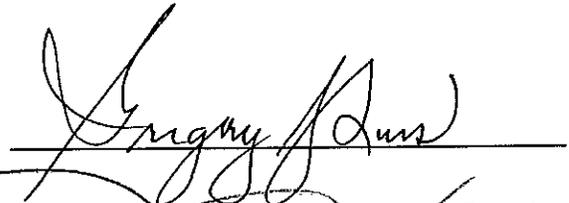
- Section 1. A quorum shall consist of three (3) members of the Board including alternate members. The concurring vote of a majority of the board shall be necessary:
- 1) To reverse any order requirement, decision or determination of any administrative official or body.
 - 2) To decide in favor of the applicant or any matter upon which the Board is required to pass under this ordinance, or
 - 3) To effect any variance in an ordinance, except that a concurring vote of 2/3 of the members of the board shall be necessary to grant a variance from uses of land permitted in the ordinance.
- Section 2. Voting shall be by roll call vote and shall be recorded by yeas and nays.
- Section 3. Each member of the Board shall vote on each question before the Board for determination, unless excused there from by the affirmative vote of at least three (3) members of the Board.
- Section 4.
- A) Alternate Board Members may be called on a rotating basis to sit in as regular members in the absence of a regular member. An Alternate Member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest.
 - B) Alternate Members of the Board may actively participate in the discussions of the Board, and may question petitioner as appropriate. Alternate Members will not, however, be permitted to make motions or to vote unless they are a designated substitute for a regular member of the Board who is absent or who has abstained from voting.

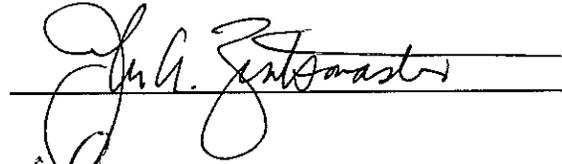
Article VII – Amendments

These By-Lays may be amended at any Regular Meeting by a majority vote of the members of the Board, providing the proposed changes have been read at the preceding Regular Meeting.

Regular Board Members











Alternate Board Members

Approved by the Zoning Board of Appeals at their Regular Meeting of July 26, 2016.

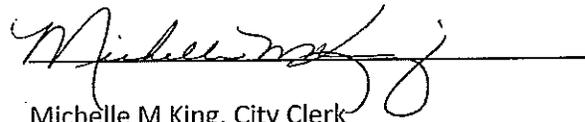
PUBLIC HEARING PROCEDURAL GUIDELINES

- I. An official announcement will be made by the Chairperson stating the order of the hearing.
- II. The Board's hearing Order will be as follows:
 - A. The Chair will announce the nature of the appeal.
 - B. The applicant, their representative and/or both, will be asked for comments and/or an explanation of the appeal request.
 - C. A review and recommendation of the City Staff Representative.
 - D. All statements or questions must be directed to the Chairperson.
 - E. Questions from the Board through the Chair will be asked to the applicant, their representative or to the City Staff Representative.
 - F. Responses to questions will be directed to the Chair.
 - G. Property owners within 300 feet or others will be heard.
 - H. Each person wishing to address the Chair will:
 - a. Go to the podium.
 - b. Upon recognition will come forward to the microphone – give their full name and address.
 - c. Each person wishing to comment will be given an opportunity to be heard, comments should be limited to five (5) minutes or less; second comments will not be permitted until every person has had the chance to speak for the first time.
 - d. Audience discussion will not be permitted, as such are disruptive and do not permit other present to hear what is being presented.
 - I. We, the Zoning Board of Appeals, reserve the right to question any speaker.
 - J. The hearing will then be closed to public comments.
 - K. The Board will then deliberate and discuss the matter openly at this public meeting.

- L. If it is found that a decision cannot be reached, the hearing will be continued by the Chair announcing the date and time of the future meeting.

The Board's decision to approve, deny or approve with conditions, will state the rationale for such conclusion.

Approved by the Zoning Board of Appeals July 26, 2016.

A handwritten signature in black ink, appearing to read "Michelle M King", is written over a solid horizontal line.

Michelle M King, City Clerk
Zoning Board of Appeals Secretary