



**ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**June 6, 2018**  
**7:00p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
5. CORRESPONDENCE / BOARD REPORTS
  - Boards and Commissions Expiration Dates
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
9. NEW BUSINESS
  - A. Consider Draft Rules of Procedure of the ZBA
10. OTHER BUISINESS
11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
12. FINAL BOARD COMMENT
12. ADJOURNMENT

**CHARTER TOWNSHIP OF UNION**  
**Zoning Board of Appeals**  
**Regular Meeting**

A regular meeting of the Charter Township of Zoning Board of Appeals was held on May 2, 2018 at 7:00 p.m. at Union Township Hall.

**Meeting was called to order at 7:03 p.m.**

**Roll Call**

Present: Paul Gross, Jake Hunter Bryan Mielke, Andy Theisen and John Zerbe

Excused: Tim Warner

**Others Present**

Peter Gallinat & Jennifer Loveberry

Alternate Taylor Sheahan-Stahl

In the absence of Chair Warner, Vice Chair Mielke called Alternate Zerbe to the table.

**Approval of Minutes**

**Theisen** moved **Gross** supported the approval of the April 4, 2018 minutes as presented. **Vote: Ayes: 5 Nays 0. Motion carried.**

**Correspondence / Board Reports**

Township Planner, Gallinat mentioned TXT INT 2017-02 Interpret Section 8.325 (sidewalks) has been withdrawn from the ZBA by the applicant.

**Approval of Agenda**

**Hunter** moved **Theisen** supported to approve the agenda, adding Item 9B Planning Commission Zoning Ordinance Re-write Discussion. **Vote: Ayes: 5 Nays 0. Motion carried.**

**Public Comment: Restricted to (3) minutes regarding issues not on this Agenda**

Open – 7:07 p.m.

No comments were offered.

**Public Hearings**

**New Business**

**A. ZBA Rules/Bylaws**

Discussion was held by the Zoning Board of Appeals. No action taken. Reviewed Planning Commission Rules/Bylaws and gave Township Planner direction to bring back ZBA Rules/Bylaws to be voted on by ZBA at a future meeting.

**B. PC Zoning Ordinance Re-write Discussion**

Discussion was held by the Zoning Board of Appeals, talked about items that have been brought before the ZBA in the last 5 (five) years and how this Board can be helpful in the Planning Commissions re-write of the Township's Zoning Ordinance.

**Other Business**

**Extended Public Comment**

Open 7:49 p.m.

No comments were offered.

**Final Board Comment**

**Adjournment**

Vice Chair Mielke adjourned the meeting at 7:49 p.m.

**APPROVED BY:**

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**Jake Hunter –Secretary**  
**Paul Gross – Vice Secretary**

*(Recorded by Jennifer Loveberry)*

**RULES OF PROCEDURE FOR THE  
CHARTER TOWNSHIP OF UNION  
ZONING BOARD OF APPEALS**

**I. AUTHORITY**

These rules of procedures are adopted by the Zoning Board of Appeals of the Charter Township of Union, Isabella County, State of Michigan (hereinafter referred to as the ZBA) in order to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

**MEMBERSHIP**

- A. Terms** – There shall be (5) Regular members of the Zoning Board of Appeals. There may also be up to (2) Alternate members appointed as a 1<sup>st</sup> and 2<sup>nd</sup> alternate. One of the (5) Regular members shall also be a member from the Charter Township of Union Planning Commission. Except for the term of the member from the PC All terms of all members will be for (3) year terms. The PC member term of service will be limited to the time they serve on the PC. A successor shall be appointed not more than (1) month after the term of the preceding member has expired for all members
- B. Training** – Each member is expected to attend and complete at least one (1) professional training during each term served on the ZBA. Trainings must be sponsored by the Michigan Township Association, Michigan Association of Planning or other related professional planning and zoning organizations.

**III. OFFICERS**

- A. Selection and Tenure** – At the first regular meeting each March, the ZBA shall select from its membership a Chairperson, Vice chairperson, Secretary, Vice secretary, All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms for the same office. The officers shall take office immediately following their election.
- B. Chairperson** – The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the ZBA.
- C. Vice Chairperson** – the vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of the chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the ZBA 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 ZBA and shall perform such other duties as the Commission may determine.
- E. Vice Secretary** – the vice secretary shall execute documents in the name of the ZBA and shall perform such other duties as the ZBA may determine in the absence of the Secretary.

**IV. MEETINGS**

The business that the ZBA may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The ZBA may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings** – the ZBA shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the ZBA shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular ZBA meetings shall be posted at the principal township office within 10 days after the ZBA’s first meeting in each calendar year in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established.

- B. Special Meetings** – Special meetings may be called by the chairperson, Township Planner, or upon written request to the secretary by at least two members of the ZBA.  
Notice of special meetings shall be given to the members of the ZBA at least 48 hours prior to the meeting. Such notice shall state the purpose, time, and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. Notice** – Notice required for specific planning, zoning, or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.
- D. Public Hearings** – All public hearings held by the ZBA must be held as part of a regular or special meeting of the ZBA. Public hearings conducted by the ZBA shall be run in an orderly and timely fashion.

**E. Agenda** – The Township Planner shall be responsible for preparing a tentative agenda for ZBA meetings. The agenda may be modified by action of the ZBA. The order of business shall be:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
5. Correspondence
6. Approval of Agenda
7. Public Comments and Communications Concerning Items Not on the Agenda
8. New Business
9. Other Business
10. Extended Public Comment
11. Final Board Comment
12. Adjournment

**F. Quorum** – 3 of the 5 Regular members of a five-member ZBA shall constitute a quorum for transacting business and taking official action for all matters. No official action of the ZBA may be taken without a quorum present.

**G. Voting** – An affirmative vote of the majority of the ZBA members shall be required for the approval of any requested action or motion placed before the ZBA. In the event of a (3) member quorum all 3 members must vote in the affirmative for the motion to pass. A vote ending in a tie shall be treated as a failed motion. Voting shall be by voice vote; a roll call vote shall be required if requested by any ZBA member or directed by the chairperson. Except in the case of conflict of interest, all ZBA members, including the chairperson, shall vote on all matters. Any members who have recused themselves from a vote shall not participate in the discussion of that item. An affirmative vote of the majority of the members of the ZBA is required to approve any amendments to these Rules of Procedure.

**H. Motions** – Motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

**I. Public Records** – All meetings, minutes, records, documents, correspondence, and other materials of the ZBA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

**J. Rules of Order** – All meetings of the ZBA shall be conducted, to the extent practicable, in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Orders.” However, application of “Robert’s Rules”

shall not be utilized in order to stifle discussion or debate and may be implemented only to the extent required to maintain the orderliness of the meeting.

**K. Special Rules:**

1. Every member desiring to speak shall address the chair and, upon recognition of the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.
2. A motion to reconsider any action taken by the ZBA may be made only on the day such action was taken. It may be either made immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. The question may then be debated.
3. A member may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the ZBA entered into the minutes. If the ZBA consents thereto, such statement shall be entered into the minutes.
4. After a motion has been made by the ZBA, no person shall address the commission without first securing the permission of the ZBA to do so.
5. No person other than the ZBA and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member, without the permission of the presiding officer. No question shall be asked a member except through the presiding officer.
6. While the ZBA is in session the members shall preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the ZBA nor disturb any member while speaking or refuse to obey the orders of the ZBA or its presiding officer, except as otherwise herein provided.

**V. DUTIES OF THE PLANNING COMMISSION**

The ZBA shall perform the following duties:

- A.** Review and decide on all applications for variances from the Zoning Ordinances, text interpretations of the Zoning Ordinance, Zoning Map interpretations of the Zoning Ordinance, Administrative review.
- B.** Take such action as authorized in the Township Zoning Ordinance.

- C. Prepare an annual written report to the Planning Commission of the ZBA's operations including recommendations regarding proposed changes to the Zoning Ordinance. The annual written report must be completed and submitted by December 1<sup>st</sup> of each year.
- D. Take such actions as authorized or required by the Michigan Zoning Enabling Act.

**VI. ABSENCES, REMOVALS, RESIGNATIONS, AND VACANCIES**

- A. Members of the ZBA who are absent for four (4) or more regularly scheduled ZBA meetings in a twelve (12) month period shall be subject to review and possible removal by the Township Board of Trustees.
- B. Members of the ZBA shall notify the Township Planner or Chairperson when they intend to be absent from a meeting.
- C. Members may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- D. A member may resign from the ZBA by sending a letter of resignation to the township board.
- E. Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

**VII. CONFLICT OF INTEREST**

Before casting a vote on a matter on which a ZBA member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the ZBA. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes a malfeasance in office. Before a member may be excused from casting a vote, a majority of the ZBA must find by an affirmative vote that a conflict of interests exists.

Conflict of interest is defined as, and a ZBA member shall declare a conflict of interest and abstain from participating in ZBA deliberations and voting on a request, when:



1. An immediate family member is involved in any request for which the ZBA is asked to make a decision. “Immediate family member” is defined as; the ZBA member’s spouse, the member and member’s spouses children (including adopted) and their spouses, step- children and their spouses, grandchildren, and their spouses parents, and step- parents, brothers and sisters and their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the ZBA member’s household.
2. The ZBA 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.
3. The ZBA member owns or has a financial interest in neighboring property being within 300 feet of the subject property.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the ZBA.

#### **VIII. AMENDMENTS**

These bylaws may be amended at any meeting by a vote of the majority of the membership of the ZBA.

#### **IV. TOWNSHIP OF EXCELLENCE**

The ZBA is dedicated to pursuing the Michigan Townships Association recognition for being a “Township of Excellence.”

Adopted by the Union Township Zoning Board of Appeals at a regular meeting on June 06, 2018.