

**GROSSE POINTE PARK
ZONING BOARD OF APPEALS
BY-LAWS**

ADOPTED: 4/26/2023

ARTICLE I – JURISDICTION

The jurisdiction of the City of Grosse Pointe Park Zoning Board of Appeals (hereinafter: “the Board”) is the review of and decision on questions, appeals, and variance requests arising under the City of Grosse Pointe Park Zoning Ordinance.

ARTICLE II - PURPOSE

The purpose of the Board is to perform the duties set forth in the following:

- A. The Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq.
- B. City of Grosse Pointe Park Zoning Ordinance, Chapter 27 Grosse Pointe Park City Code.

ARTICLE III – CREATION AND DUTIES

- A. **Creation.** The Legislative Body of the City shall act as the Zoning Board of Appeals in accordance with Act 110 of 2006, MCL 125.3101 et seq.
- B. **Duties.** The Board shall have the powers enumerated in the City of Grosse Pointe Park’s Zoning Ordinance, Chapter 27.

ARTICLE IV – ORGANIZATION AND OFFICERS

- A. The City Council shall act as the Zoning Board of Appeals.
- B. Meetings shall be called subject to the call of the Chairperson.
- C. The Mayor shall be the Chairperson of the Zoning Board of Appeals. The Mayor Pro-Tem shall be the Vice-Chairperson. The City Clerk shall be the Secretary.
- D. Duties of Officers:
 - 1. Chairperson:
 - a. The Chairperson shall preside at all meetings of the Board.
 - b. The Chairperson may designate the Vice-Chairperson to preside in his/her seat at any meeting if he/she desires.

- c. The Chairperson (or any three members) may issue a call for a Meeting by making a written or oral request to the City Clerk's office.
- d. The Chairperson shall direct the City staff to establish the agenda for Meetings, and the order thereof including such items of old business and other items that may have been deferred at previous meetings and shall provide this information to the City Clerk's office.
- e. Sign such correspondence and documents as may need the signature of the Chairperson.

2. Vice-Chairperson:

- a. The Vice-Chairperson shall preside at meetings of the Board in the absence of the Chairperson, or when requested to do so by the Chairperson.
- b. The Vice-Chairperson shall perform all duties of the Chairperson when the Chairperson is unable to perform his/her duties or when requested by the Chairperson.

3. Secretary

- a. The Secretary shall record the proceedings of a meeting of the Board. Copies of the draft minutes of the proceedings shall be available at City Hall for public review.
- b. The Secretary shall sign such documents as are deemed necessary.

ARTICLE V - MEETINGS

- A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted.
- B. Meetings will be held whenever the Chair or 3 members believe it is imperative and necessary by advising the City Clerk's office either orally or in writing and designating those items to be placed on the agenda. At least 15 days' notice of a meeting shall be given except in the event of an emergency. Notice of a meeting will be given by mail, personal delivery or may, when a meeting is deemed to be an emergency in which time is of the essence, be given by telephone or personal contact.
- C. Notice shall be provided in accordance with the Michigan Zoning Enabling Act (MCL 125.3103) and the City's Zoning Ordinance.
- D. Copies of the draft minutes of the prior meeting or meetings shall be available at City Hall for public review and shall accompany the meeting agenda. Board Minutes may be combined with City Council Minutes.

E. A ZBA member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the ZBA. A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such the member cannot be unbiased in the decision-making process. A Board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;
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; or
3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.

ARTICLE VI - RULES

- A. A quorum shall consist of a majority of the entire Board membership. Provided a quorum is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, except for as otherwise required under State law (MCL 125.3603, et. seq.), the City Charter, or any City Ordinance.
- B. Meeting procedures and conduct shall be generally consistent with Robert's Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these ZBA By-Laws.
- C. PUBLIC HEARINGS. If there are several separate items to be heard at one Public Hearing, the same procedures shall be followed for each.
 1. Agenda for Public Hearings.
 - a. Chairperson opens Public Hearing
 - b. Chairperson states purpose of hearing and rules of procedure as deemed necessary by the Chairperson, including processes for submission of written testimony.
 - c. Presentation by staff summarizing the item
 - d. Questions from Board members to staff
 - e. Presentation by applicant
 - f. Questions from Board members to applicant

- g. Testimony from public
 - a) Presentation of written comments
 - b) Presentation of oral comments
 - i. Supporters of request/issue
 - ii. Opponents of request/issue
 - h. Concluding comments from applicant
 - i. Concluding comment of staff
 - j. Concluding questions or comments from Board members
 - k. Chairperson closes Public Hearing
- 2. If the hearing is on an issue proposed by staff and there is no applicant, agenda items (e), (f), and (h) shall be eliminated and the public shall be heard on the issue.
- 3. The Chairperson may order any disruptive person from the room. In the event of general disruption, the Chairperson may recess the meeting.

ARTICLE VII - PROCEDURE FOR AMENDING BY-LAWS

- A. These by-laws shall take effect upon adoption by the ZBA.
- B. These by-laws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been provided to the board at least three (3) days in advance of the meeting.