

MILLINGTON TOWNSHIP ZONING BOARD OF APPEALS
BYLAWS AND PROCEDURES

A. Name and Purpose

- a. The name shall be the “Millington Township Zoning Board of Appeals”, hereinafter named the ZBA.
- b. These bylaws and procedures are adopted to facilitate the performance of the duties of the ZBA, as outlined in the Michigan Zoning Enabling Act, PA110 of 20006, as amended.

B. Membership

- a. The membership shall consist of five (5) members and two (2) alternate members appointed by the Township Board, each to a three (3) year term.
- b. Each ZBA member and alternate shall represent and advocate what is best for the Township as a whole, putting aside any personal or special interests.
- c. Each member and alternate shall uphold the zoning ordinances of Millington Township.
- d. One (1) member of the ZBA shall be a member of the Millington Township Planning Commission.
- e. One (1) member of the ZBA may be a Township Board representative.
- f. A Planning Commission or Township Board member of the ZBA shall serve a three (3) year term, or until they no longer serve on either of those boards.
- g. “A Township ZBA cannot conduct business unless a majority of the regular members of the Board are present.” MCL125.3601(12)
- h. “An alternate member serving on the ZBA has the same voting rights of a regular member.” MCL125.3601(7)

C. ATTENDANCE

- a. If a ZBA member or alternate member is absent from three (3) consecutive regularly scheduled meetings without an excuse, that member shall be considered delinquent.
- b. In the event that a member is considered delinquent, the Township Supervisor shall be informed by the ZBA Secretary of the absences in order to consider further action or to excuse the absences.
- c. Delinquency may be grounds for the Township Board to remove a ZBA member for non-performance of duty, or misconduct, after holding a public hearing on the matter.

D. TRAINING

- a. All new members, or alternates, of the ZBA shall be required to complete training in the basic procedures, functions, and duties of a ZBA member prior to serving at an appeal meeting. This training may be attended in person or online and shall be approved by the Chairperson of the ZBA.
- b. Each ZBA member or alternate shall attend at least four (4) hours annually of training in Zoning and/or Planning during the member's or alternate's current term of office. Failure to so may result in the member or alternate to not be considered for reappointment to the ZBA.
 - 1) to be eligible to be considered "training", classes may be provided by the Michigan Township Association, Michigan Association of Planning, MSU Extension or Continuing Education, the Michigan Municipal League, or another provider if approved by the Township Board.
 - 2) the member or alternate shall be responsible for providing confirmation of attendance at such classes to the ZBA Secretary.

E. OFFICERS

- a. At its first regular (organizational) meeting each calendar year, the ZBA shall select from its membership a Chairperson, a Vice-Chairperson, and a Secretary. All said officers shall serve a term of one (1) year and be eligible for re-election for consecutive terms.
- b. Nominations of officers shall be made by members of the ZBA, and a roll call vote shall be made immediately after nominations. A member receiving a majority vote shall be elected and assume office immediately.
- c. In the event that any of the above offices becomes vacant, a successor to that office shall be named, following the above procedure.
- d. The Chairperson shall preside at all meetings, call special meetings, and establish an agenda for all meetings, as well as assume other such duties as requested by the ZBA or Township Board. Neither a Township Board member, nor a Planning Commission member, nor an alternate member may serve as Chairperson.
(MCL125.3601)
- e. The chairperson shall provide to all ZBA members, seven (7) days in advance of a meeting, a proposed agenda and any items relating to business to be addressed at the meeting.
- f. In the event of the absence from a meeting of a member of the ZBA, the Chairperson shall recommend an alternate to be seated. There shall be a vote to approve, by a majority vote of members present, the seating of the alternate.
- g. The Vice-Chairperson shall act in the capacity of the Chairperson in his or her absence.

- h. The Secretary shall execute documents in the name of the ZBA and perform other such duties the ZBA may determine.
- i. The Secretary shall be responsible for a permanent record of the minutes of each meeting, which shall be retained by the Township Clerk as a permanent record. The minutes shall contain a record of attendance, noting any absences as excused or not excused, as well as a brief synopsis of the meeting, including a complete restatement of all motions, a record of all votes, and any conditions or recommendations made on any action.
- j. The Secretary shall provide proposed minutes of each ZBA meeting in accordance with the OMA (MCL15.265) for public inspection within 8 business days of the meeting.
- k. The Secretary shall provide approved minutes of each ZBA meeting in accordance with the OMA (15.269) for public inspection within five (5) business days of the meeting at which they were approved.
- l. The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the ZBA.
- m. All written correspondence received by the secretary shall be brought to the attention of the ZBA.
- n. The Secretary shall be responsible for recording the attendance of members and alternates at required training sessions.

F. MEETINGS

- a. All meetings shall be posted at the Township Hall as well as on the Township Website and as otherwise mandated in accordance with the Open Meetings Act. The notice shall include the reason for the meeting, the date, time, and location of the meeting.
- b. Regular meetings of the ZBA shall be held twice a year, in the first and third quarters of each calendar year if there is business to conduct. The meetings shall take place at the Township Hall.
- c. In order for the ZBA to conduct business or to take any official action, a quorum of three (3) regular ZBA members shall be present (MCL 125.3601(12)). When a quorum is not present, no official action, except for adjournment of the meeting, may take place. All Public Hearings without a quorum shall be postponed.
- d. Public Hearings shall be scheduled and due notice given in accordance with ZBA Bylaws, the Open Meetings Act, provisions of Michigan Public Acts and Ordinances of the Township.
- e. A meeting of the ZBA may be cancelled or postponed by action of the Chairperson, or by action of the Vice-Chair and Secretary.
- f. All meetings of the ZBA shall be conducted in accordance with accepted Parliamentary Procedure, as governed by Robert's rules of Order.

g. Members of the public shall have the opportunity at the “Public Comments” sections of the agenda to address the ZBA in accordance with the Millington Township “Policy for Public Comments at Township Meetings.”

h. In the event of the absence of all ZBA members, a meeting shall be postponed.

i. Order of Business

- I. Call to Order
- II. Call Roll Call (note absences as excused or unexcused)
- III. Pledge of Allegiance
- IV. Approval of Agenda (Items may be added or deleted by ZBA action)
- V. Approval of Minutes of previous meeting
- VI. The Millington Township POLICY FOR PUBLIC COMMENTS AT TOWNSHIP MEETINGS is identified Public comments
- VII. Zoning Administrator’s Report
- VIII. Noticed Public Hearings
 - i. Presentation by Petitioner as necessary
 - ii. Presentation by Zoning Administrator as necessary
 - iii. Public comments
- X. Unfinished Business
 - i. ZBA discussion
- XI. New Business
 - i. ZBA discussion
- XII. Public comment
- XIII. Action Items
- XIV. ZBA Member comments
- XV. Adjournment

h. Voting

- 1. An affirmative vote of a majority of the ZBA members shall be required for the approval of any action or motion placed before the ZBA. Voting shall ordinarily be by voice vote, provided however that a roll call vote shall be required if requested by any ZBA member, or as directed by the Chairperson. All ZBA members shall vote on all matters, but the Chairperson shall vote last. ZBA members may be excused from voting only if the ZBA member has a conflict of interest as recognized by the ZBA Bylaws.
- 2. To approve or deny any dimensional variance, appeal or other official action, an affirmative vote of at least a majority of the total membership of the ZBA is required

3. To approve or deny any use variance, appeal or other official action, an affirmative vote of at least four (4) of the total membership of the ZBA is required.

G. AMENDMENTS:

These Bylaws and Procedures may be amended by the ZBA by a majority vote of three (3) members at any regular meeting, provided that all ZBA members have received advance notice of the proposed amendment/s at least three (3) business days prior to the meeting at which said amendment/s are to be considered.

H. 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. The member is disqualified from voting on a matter if a conflict of interest exists or if a majority of members concludes that a conflict exists. Failure of a member to disclose a potential conflict of interest as required under these Bylaws constitutes malfeasance of office, and grounds for the Township Board to remove a ZBA member after holding a public hearing on the matter. For purposes of these Bylaws, a ZBA member has a conflict of interest if Michigan law otherwise requires disqualification, or when:

- a. the request for which the ZBA member is asked to make a decision that involves a spouse, children, step-children, parents, siblings, grandparents, parents-in-law, grandparents-in-law, or members of said households.
- b. the request for which the ZBA member is asked to make a decision that involves the ZBA member who has signed a non-disclosure agreement.
- c. the ZBA member has a business or financial interest in the property involved in the request, or has a potential business or financial interest in the applicant's company, organization, agency, or association.
- d. the ZBA member owns or has a financial interest in an adjoining property. For purposes of this section, property separated only by an abutting public or private road, street, or highway shall be deemed and adjoining property.
- e. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining ZBA members.

I. VACANCIES

If a vacancy on the ZBA occurs during the term of a member for reasons including, but not limited to, death, disability, resignation, or removal, the vacancy shall be filled for the unexpired term in the same manner as provided for the original appointment. Other than a vacancy occurring during a term, a member shall hold office until a replacement shall be appointed.

J. REMOVAL FROM OFFICE

The Township Board may remove a ZBA member for malfeasance, misfeasance, or nonfeasance in office upon written charges and after a public hearing.