

**RILEY TOWNSHIP
ZONING BOARD OF APPEALS
BY-LAWS**

The following rules of procedure are hereby adopted by the Riley Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Zoning Enabling Act (ZEA), Public Act 110 of 2006, as amended. 4/10/08

SECTION 1: Officers

- A. **SELECTION AND TENURE:** At the first regular meeting in each year, the zoning board of appeals shall select from its membership a chairperson, vice chairperson and secretary. An elected township official shall not serve as chairperson. If Planning Commission representative is the chairperson of the planning commission they shall not serve as chairperson of the zoning board of appeals. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. **CHAIRPERSON:** The chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the zoning board of appeals or the township board.
- C. **VICE CHAIRPERSON:** The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the zoning board of appeals shall select a successor to the office of chairperson for the unexpired term.
- D. **SECRETARY:** The secretary shall execute documents in the name of the zoning board of appeals, perform the duties hereinafter listed below and shall perform such other duties as the zoning board of appeals may determine. A recording secretary may also be appointed by the Township Board to perform said duties.
1. **Minutes-** The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 2. **Correspondence-** The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the zoning board of appeals. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the zoning board of appeals.
 3. **Attendance-** The secretary shall be responsible for maintaining an attendance record for each zoning board of appeals member and report those records annually to the zoning board of appeals for inclusion in the annual report to the township board. The secretary shall be responsible for turning attendance records in to the township clerk for payments of members.
 4. **Notices-** The secretary shall issue such notices as may be required by the zoning board of appeals.

E. **Planning Commission Representative:** The planning commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals.

SECTION 2: MEETINGS

A. **MEETINGS:** Meeting of the zoning board of appeals shall be held on the second Thursday of each month, upon demand, or as noted below. All meetings shall take place at the Riley Township Hall at 13016 Belle River Road, Riley Township, Michigan at 7:00 p.m.

B. **NOTICE:** Meetings shall be published in accordance with the requirements of the zoning ordinance. Notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township within fifteen (15) days but not less than five (5) days preceding the date of said hearing. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.

C. **PUBLIC RECORDS:** All meetings, minutes, records, documents, correspondence and other materials of the zoning board of appeals shall be open to the public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

D. **QUORUM:** A majority of the membership of the zoning board of appeals shall constitute a quorum for transacting business and taking official action for all matters. The zoning board of appeals shall not conduct business unless a majority of regular members is present or as noted below.

E. **ALTERNATES:** Alternates may be used to obtain the required quorum. Alternates will serve for absences or conflict of interest. When alternates serve for this purpose they will be paid the full member rate per diem set by the Township Board. Alternates will serve on an alternating basis. When serving as an alternate they will have voting rights the same as a full member.

When alternates are not serving as a replacement they will be part of the public audience, with questions being addressed during the public hearing portion. Alternates not serving as a replacement will not participate in the zoning board of appeals discussions, make motions, or have a voting right. (Amended 2-13-03 /Policy #11)

F. **VOTING:** To approve or deny any variance, appeal, order, requirement, decision, determination, or other official action required by the zoning ordinance, an affirmative vote of at least a majority of the total membership of the zoning board of appeals is required. Voting shall be by voice vote; a roll call shall be required with each member stating their reason for approval or denial. If a zoning board of appeals motion to approve a request fails, then another motion to deny must be approved by the majority of the zoning board of appeals membership to decide the matter, otherwise the matter is still pending.

G. **AGENDA:** Agendas shall include the following:

1. Call to order
2. Roll call
3. Approval of minutes

G. AGENDA continued:

4. Approval of agenda
5. Scheduled public hearings
6. Old Business
7. New Business
8. Correspondence received
9. Reports: such as but not limited to: Board Representative report; Planning Commission Representative report; and Parks and Recreation Committee report.
10. Next meeting
11. Adjournment

H. PUBLIC HEARINGS: All public hearings held by the zoning board of appeals must be held as part of a regular or special meeting of the zoning board of appeals. The following rules of procedure shall apply to public hearings held by the zoning board of appeals:

1. Chairperson requests a motion to open the public hearing.
2. Chairperson announces the subject.
3. Chairperson summarizes procedures/rules to be followed during the hearing.
4. Township zoning administrator/planning consultant presents a summary or analysis of the request; when applicable.
5. Persons wishing to comment on the request are recognized.
6. Chairperson requests a motion to close the public hearing.
7. Zoning board of appeals deliberates and decides.

To ensure that everyone has the opportunity to speak, the zoning board of appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.

All comments by the public and the zoning board of appeals shall be directed to the chairperson. Chairperson shall recognize each person requesting to speak. The public and the zoning board of appeals shall not speak out of turn and without being recognized by the Chairperson.

I. SPECIAL MEETINGS: Applicants to the zoning board of appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between applicants. The business the zoning board of appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings shall also be posted and/or published as required by the Zoning Enabling Act, ^{4/10/08} as amended, the Open Meetings Act and these bylaws.

SECTION 3: DUTIES OF THE ZONING BOARD OF APPEALS

The zoning board of appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Zoning Enabling Act (ZEA), Public Act 110 of 2006, as amended ^{4/10/08}.
- B. Prepare an annual report of the zoning board of appeal's activities and submit to the township board.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a zoning board of appeals member, and for which appropriations of funds have been approved by the township board, as needed. A minimum of one (1) training per year shall be attended by all members and alternates of the zoning board of appeals.
- D. Perform other duties and responsibilities as requested by the township board or as may be specified in another township ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

SECTION 4: DUTIES OF THE ZONING ADMINISTRATOR AND PLANNING CONSULTANT

- A. The zoning board of appeals may be assisted by the zoning administrator and planning consultant in the performing the duties of the zoning board of appeals, as noted in Section 3.
- B. The zoning board of appeals may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township engineer or other person or agency.

SECTION 5: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES AND ALTERNATES

- A. To be excused, zoning board of appeals members shall notify the township hall secretary, zoning board of appeals chairperson or other zoning board of appeals member when they intend to be absent from a meeting. Township hall secretary shall be responsible for notifying alternate that they will be a voting member at such hearing. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B. Members of the zoning board of appeals may be removed by the township board, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent.

Section 5 continued

- C. A member may resign from the zoning board of appeals by sending a letter of resignation to the township supervisor and/or township board.
- D. Vacancies shall be filled by the township board within one (1) month of resignation or removal of a member of the zoning board of appeals, whenever possible. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commission.
- E. The township board may appoint not more than two (2) alternates to the zoning board of appeals. The alternate member may be called to sit as a regular member as provided in the zoning ordinance and the Township Zoning Act.

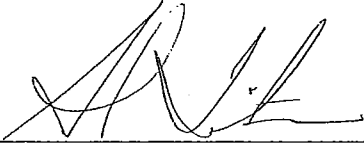
SECTION 6: CONFLICT OF INTEREST

- A. Zoning board of appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when;
1. A relative or other family member is involved in any request for which the zoning board of appeals is asked to make a decision;
 2. The zoning board of appeals 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 zoning board of appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
 4. There is a reasonable appearance of a conflict of interest, as determined by the zoning board of appeals member declaring such conflict.
- B. The zoning board of appeals member declaring a conflict of interest should state the nature of the conflict and whether he/she believes he/she could impartially consider the request before the zoning board of appeals. He or she should provide as much notice prior to the meeting date that there is a possible conflict of interest so an alternate may be put on notice of the possibility of being a full voting member. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his/her constitutionally protected rights to participate. He/she should not make any presentations to the zoning board of appeals as a representative of the proposal. He/she on a clear cut conflict of interest should take an excused absence from attending the meeting, unless doing so would violate his/her constitutionally protected rights to participate.

SECTION 7: AMENDMENTS

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

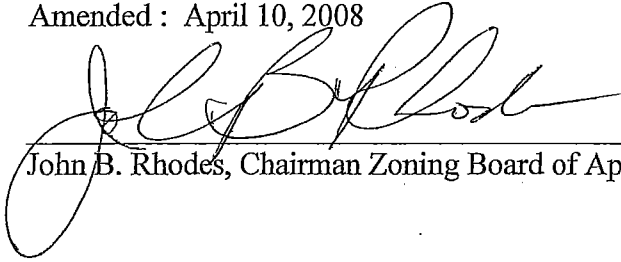
Adopted by the Riley Township Zoning Board of Appeals at a regular meeting held May 9, 2002.



Al Titus, Chairman Zoning Board of Appeals

Amendments Adopted by the Riley Township Zoning Board of Appeals at a regular meeting held on April 10, 2008.

Amended : April 10, 2008



John B. Rhodes, Chairman Zoning Board of Appeals