



## **Zoning Board of Appeals, By-laws & Rules of Procedures**

**Approved:** 15 July 2025

### 1. Authority

- a. These By-laws and Rules of Procedures are adopted by the Zoning Board of Appeals (hereinafter referred to as the Appeals Board) of the Village of Calumet, empowered by the Michigan Zoning Enabling Act (Public Act 110 of 2006) and the Open Meetings Act (Public Act 267 of 1976), to facilitate the performance of its duties and functions as outlined in the Zoning Ordinance (No. 127) and its amendment Ordinance 127A.

### 2. Membership

- a. The Appeals Board, pursuant to Ordinance 127A, shall consist of the Village Council, consisting of the Village President and six Trustees when all council seats are filled.
- b. One member shall too be a member of the Planning Commission.
  - i. A member of the Zoning Board of Appeals who also serves as a member of the Planning Commission must abstain from voting on a matter being considered by the Zoning Board of Appeals that he or she voted on as a member of the Planning Commission where the facts and circumstances associated with the particular decision under review make abstention necessary to satisfy the due process requirement of impartial decision making.

### 3. Officers

- a. At the first regular meeting in January of each year, the Appeals Board shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. All officers are eligible for reelection. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Appeals Board shall select a successor to the office of Vice-Chairperson for the unexpired term. In the event the office of the Secretary becomes vacant, the Appeals Board shall select a new successor to the office of Secretary for the unexpired term. Officers shall take office immediately following their election and shall hold office for one year, or until their successors assume office.

i. Duties of the Chairperson

1. Presides over all meetings of the Appeals Board.
2. Appoints all committees or advisory committees established and provided for the Appeals Board.
3. Shall have the right to vote as a Board member on all matters before the Appeals Board.
4. Shall have the same right to introduce a motion as any other Board member.
5. In the absence of the Secretary, shall appoint a temporary Secretary from the members of the Appeals Board present.
6. Shall perform all the additional duties and responsibilities which are a normal part of that office and as directed by the Appeals Board.

ii. Duties of the Vice-Chairperson

1. Assumes the duties and responsibilities of the Chairperson in the event of absence of the Chairperson.
2. Shall have the right to vote as a Board member on all matters before the Appeals Board.
3. Shall have the same right to introduce a motion as any other Board member.
4. Shall perform all the additional duties and responsibilities which are a normal part of that office and as directed by the Appeals Board.

iii. Duties of the Secretary

1. Announce and read out the appeals at the beginning of the hearing for each appeal
2. Shall aid other Board members as needed in putting a motion into correct form for a vote.
3. Be responsible for the minutes of each meeting.
4. Shall have the right to vote as a Board member on all matters before the Appeals Board.
5. Shall have the same right to introduce a motion as any other Board member.

4. Village Staff Support

- a. The Zoning Administrator shall assist the Appeals Board in carrying out its duties, by:

- i. Processing and reviewing appeal applications for accuracy and completeness prior to

placement on the agenda of the Appeals Board for a hearing.

- ii. Preparation of the agenda for Appeals Board meetings to include all appeal applications found to be complete and accurate.
- iii. Preparation and distribution of required public notices for hearings of the Appeals Board.
- iv. Preparation of Appeals Board meeting packets to be distributed ahead of the meetings to the members (packets to include all application materials, staff reports and any outside correspondence received regarding the appeal).
- v. Preparation of a presentation for the Appeals Board meeting including submitted plans and photographs that will aid the attending public and Appeals Board in understanding and discussing the appeals on the agenda at that meeting
- vi. Taking an audio recording of the meeting and notes during the meeting to be used to prepare draft minutes for the Appeals Board to review and approve at the following meeting.

## 5. Meetings

- a. The Appeals Board shall meet only when needed. Meetings shall be scheduled following the receipt of a completed application to the Appeals Board. The business of the Appeals Board shall be held in a public meeting in compliance with the Michigan Zoning Enabling Act. The time, date, and setting of the meeting shall be posted to the Village of Calumet website and at the Village Office in a public notice required by the Michigan Zoning Enabling Act.

## 6. Quorum

- a. For the Appeals Board to conduct business or take any official actions, a quorum consisting of at least three members of the Appeals Board shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the Appeals Board may discuss matters of interest, but shall take no action until the next meeting. All public hearings without a quorum shall be scheduled for the next meeting and an additional public notice shall be posted prior to the meeting.

## 7. Public Hearings

- a. Public hearings shall be conducted in accordance with the Michigan Zoning Enabling Act and the Open Meetings Act. Hearings should be conducted by the following procedure:
  - i. The Chairperson shall announce that a public hearing shall be held upon request.
  - ii. The Chairperson shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
  - iii. The Chairperson shall announce the following rules:
    - 1. The Chairperson will recognize each speaker. When a speaker has the floor, he/

she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.

2. Each speaker shall state their name and address for the record and may present written comments for the record.
  3. Speakers shall address all comments and questions to the Appeals Board and comments will be limited to the subject matter of the Public Hearing.
  4. Unless waived by the Appeals Board for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for collective comments of the group as presented by that speaker.
  5. The Chairperson may allow people to speak a second time after everyone has had the opportunity to speak.
  6. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
  7. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
  8. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
- iv. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Appeals Board may initiate a motion to close the hearing.
- v. Public Hearings shall be carried out in the following format:
1. The Chairperson shall open the hearing.
  2. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
  3. The City staff and any consultants serving the City shall present their reports.
  4. The hearing will be opened for public comment.
  5. The public comment period will be closed.
  6. Deliberation and discussion by the Appeals Board.
  7. Disposition of the case by the Appeals Board

## 8. Conflict of Interest

- a. A member of the Appeals Board shall be required to abstain from any discussion or vote if there is a conflict of interest. Conflicts of interest shall be evaluated on a case-by-case basis by the Appeals Board. Examples of such conflicts of interest include:
  - i. A member discussing or voting on a case that concerns himself or herself.
  - ii. A member discussing or voting on a case involving work on land owned by himself or herself.
  - iii. A member discussing or voting on a case involving an entity owned or partially owned by himself or herself.
  - iv. A member discussing or voting on a case involving any sort of financial gain or loss of himself or herself.
  - v. A member discussing or voting on a case involving a close relationship (relative, friend, partner, etc.) to himself or herself.
- b. Any member of the Appeals Board has the right to abstain from a vote at any time if they feel they cannot in good faith exercise an impartial view on a case.

## 9. Motions

- a. Motions shall be lead and restated by the Chairperson before a vote is taken. The names of the maker and second of each motion shall be recorded.

## 10. Voting

- a. All voting shall be voiced and recorded as yes or no. A yes vote by the majority is required for the approval of any action or motion placed before the Appeals Board.

## 11. Minutes

- a. Appeals Board minutes shall be prepared by the Secretary or recording secretary of the Appeals Board. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.
- b. Approved minutes shall be posted to the Village of Calumet website for public view.

## 12. Amendments

- a. These Rules of Procedure may be amended at any regular or special meeting by a two-thirds ( $\frac{2}{3}$ ) vote of the total members of the Appeals Board, so long as such amendment does not result in a conflict with state law, zoning ordinance or court decision.