

# GRAND RAPIDS BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

(Adopted March 16, 1989)

### ARTICLE I - MEMBERSHIP AND OFFICERS

- A) The Grand Rapids Board of Zoning Appeals (the Board) consists of nine regular members appointed by the City Commission for terms of three years. One member shall be a member of the City Planning Commission, whose term on the BZA shall coincide with his or her term on the Planning Commission. One member may be a City Commissioner, but that member shall not chair the BZA.
- B) The Board also has two alternate members appointed by the City Commission for terms of three years. An alternate member may be called to sit on the Board as a regular member by the Chairperson, Vice-Chairperson, or Executive Secretary in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest.
- C) At its annual organization meeting, to be held the first meeting in June, the Board shall elect a Chairperson and Vice-Chairperson to take office the first meeting in July. However, an election may be held at any regular Board meeting if officer replacement needs to occur.
- D) The Chairperson shall preside at meetings but in the absence of or during the disability of the Chairperson the Vice-Chairperson shall preside.
- E) The Chairperson, subject to these rules, shall decide points of order or procedure, unless otherwise directed by six (6) members of the Board.
- F) The Chairperson, with the aid of the Executive Secretary, shall designate all committee appointments.
- G) Subject to these rules and the direction of the Chairperson, the Executive Secretary shall conduct all official correspondence, compile the required records, maintain and keep in order the necessary files and indices, and generally perform the clerical work of the Board.

### ARTICLE II - ASSISTANCE BY CITY EMPLOYEES

- A) The Board will be assisted by an Executive Secretary, a Recording Secretary, and Legal Counsel as provided by the City.
- B) The Executive Secretary will conduct all official correspondence of the Board, compile required records, maintain files, and generally supervise the activities of the

Board under the guidelines of these “Rules of Procedure” and the direction of the Chairperson.

- C) The Recording Secretary will take notes of the official meetings of the Board and prepare minutes thereof under the direction of the Executive Secretary and the Chairperson.
- D) The Legal Counsel will advise the Board on all legal questions.

### ARTICLE III - STUDENT MEMBERS

- A) Student Board Members may be appointed by the City Commission from time to time and will serve in an advisory and observational capacity only. They may participate, as the Chairperson permits, in property inspections, in giving inspection reports, and in Board discussions, so long as the applicant does not object. However, Student Board Members may not vote on any matters.

### ARTICLE IV - MEETINGS

- A) Regular meetings of the Board will be held on the third Thursday of each month at 1:00 p.m. in the Public Hearing Room, 2<sup>ND</sup> floor, 1120 Monroe Ave NW.
- B) Special meetings may be called, provided 24 hours notice is given each Board member and proper notice to the public is provided pursuant to the Open Meetings Act, P.A. 1976, No. 267, being MCLA § 15.261 et. seq. If such special meeting is called to hear new appeals, then proper notice of all new appeals also must be given pursuant to the Zoning Enabling Act (MCL §125..3103).
- C) The Board will consider ten applications, no more, at any Board meeting unless the Executive Secretary and the Chairperson deem it significantly important that more cases be added to the agenda.
- D) Each case will be assigned a general time for presentation on the agenda by the Executive Secretary.
- E) All meetings will be open to the public, and all business of the Board will be conducted under the “Open Meetings Act,” P.A. 1976, No. 267, being MCLA § 15.261 et. seq.
- F) Five members of the BZA shall constitute a quorum for the conduct of its business, except that a hearing regarding or consideration of a Use Variance shall require a quorum of six members., per Article 13, Section 5.13.03(B)(2) of the City Zoning Ordinance.
- G) Except as otherwise provided by state law, City Ordinances, or these rules, the Board will observe Roberts Rules of Order.
- H) Anyone wishing to address the Board regarding a specific matter may do so only during a public comment portion of the hearing on that matter. Anyone wishing to address the Board regarding a specific matter for which the public hearing is closed

or on any other matter, may do so only after the board has completed all other official business at the meeting at which the person wishes to speak.

#### ARTICLE V - APPLICATIONS

- A) The Board shall hear applications for questions of interpretation and for requests for variances, as authorized by City Code §5.13.02, only in a specific case and under circumstances set out in the Grand Rapids Zoning Ordinance.
- B) A copy of the procedures covering variances to the Zoning Law of the City of Grand Rapids is to be given each applicant by the Zoning Executive Secretary at the time of filing an appeal.
- C) No application shall be entertained unless the application is filed within thirty days of the date of action of the Zoning Investigator or other administrator whose decision or interpretation is being appealed.
- D) Application shall be made by a party having a property interest in the premises involved or by his/her authorized agent. The authority for such agent shall be presented in writing with the application and retained in the case file. The applicant's interest in the property must be stated in the application.
- E) Each application shall be made on the form provided by the Board and shall be accompanied by all data required by the form and by the applicable fee. Then, the application shall be considered subject to such rules as the Board has adopted.
- F) No application for a zoning variance will be accepted by the Planning Department unless dimensional plot plans, building plans, and parking plans are included with the application whenever they are applicable. Architectural drawings must be submitted with all variance requests for industrial or commercial property uses.
- G) Requests for sign variances must have dimensioned photographs or detailed drawings of both existing and proposed signs, along with a statement of existing signs which will be removed if the variance is granted.
- H) Any communication purporting to be an application will be regarded as a mere notice of intention to seek relief until it has been made on the form required by the Zoning Office, accompanied by the applicable fee.

#### ARTICLE VI - HEARINGS

- A) Hearings generally will be conducted in the following order:
  - 1. Chairperson calls the Hearing to order, makes pertinent opening remarks, explains the format, and identifies any time limits imposed. (The Chairperson may reiterate these comments from time to time as deemed necessary to inform later arriving persons.)
  - 2. Executive Secretary briefly describes the nature of the appeal or proposal.
  - 3. Inspection Committee gives a property inspection report.
  - 4. Petitioner makes his/her presentation.
  - 5. Interested persons may comment.

6. Petitioner may rebut.
  7. Chairperson closes hearing.
  8. Board deliberates in this open public meeting.
  9. Board member presents a resolution or an alternative disposition of the appeal (which may involve deferring a decision to later in the same meeting or to a later meeting).
  10. Board votes on the resolution.
  11. Chairperson explains the decision or disposition.
- B) The Chairperson is to monitor length of presentations and stop a person if he has become redundant rather than limiting length of presentation to a certain time.
- C) The applicant may present his/her case personally, through an attorney, or other authorized agent, and the evidence may be oral, written, or pictorial. Witnesses on either side may be subject to cross examination by Board members or the Board attorney.
- D) If an applicant does not appear, either personally or through an authorized agent or representative, at the scheduled hearing the appeal will be denied with the right to reconsideration if it is learned that the reason to reconsider is legitimate. If the Board finds there was a good reasonable cause for non-appearance, the Hearing will be re-scheduled with new notices given. If the Board does not determine there was a good and reasonable cause for non-appearance, the Board will move to deny the appeal or other requested relief, in which case the ninety day limitation of Paragraph 4 of ARTICLE VII shall apply.
- E) Action of the Board in each case will be based upon the application information, objections, evidence, Board committee inspection, oral arguments, and legal guidelines of the City Zoning Code.
- F) The City Zoning office shall give proper notice of each appeal as required by state law (MCL §125.3103 and, if at any time the Board determines that proper notice of an appeal was not given, the Board will suspend further action on the appeal until a subsequent meeting after proper notice is given.

#### ARTICLE VII - FINAL DISPOSITION OF CASES

- A) The final disposition of any application for appeal will be in the form of a resolution which will either reverse or modify or affirm the order, decision, or determination appealed. The final disposition of all other matters referred to the Board, or upon which they are required to hear under the Grand Rapids City Code or State Statute will be in the form of a resolution either granting or denying, in whole or in part, the action requested. All resolutions will include a statement of pertinent facts upon which the resolution is based. The concurring vote of five (5) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter on which they are required to pass under an ordinance, or to grant a non-use or dimensional variance. The concurring vote of six (6) members shall be necessary to grant a use variance.

- B) Any applicant may withdraw his application at any time prior to action thereon with the consent of the Board, but if a motion has been made and is pending either to grant or dismiss, the motion will have precedence.
- C) No Board member shall participate in a discussion or vote on any matter in which he/she has a direct personal or pecuniary interest not common to other members of the organization, unless the Board's attorney advises the member that this interest does not result in a conflict of interest under state law and the member otherwise believes that he or she will be able to deal objectively with the matter.
- D) In case an application is denied, no similar application will be accepted for a minimum of one year from the denial.

#### ARTICLE VIII - INSPECTION

- A) Inspections of all application properties will be made by a committee generally consisting of three Board members who will report their findings to the full Board as part of the case information. Board members are assigned on a rotating basis.
- B) Special inspection committees may be appointed by the Chairperson to re-inspect properties or to fill a need that may arise.

#### ARTICLE IX - RECORDS

- A) All records will be on the required forms, and after final disposition of each case, will be filed in their numerical order by the Recording Secretary of the Board. The files will be accessible for public observation and review at reasonable times of hours and days.

Adopted by the Board on March 16, 1989; Amended 7/02/92; Adopted 7/01/93 with no changes; Adopted as amended 6/15/95; Adopted as amended 6/20/96; Adopted 6/05/97 with no changes; Adopted as amended 6/04/98; Adopted 6/03/99 with no changes; Adopted 6/01/00 with no changes; Adopted as amended 6/21/07; Adopted as amended 1/17/08.