

# RULES OF PROCEDURES AND POLICY

## CITY OF SAULT STE. MARIE

### Zoning Board of Appeals

Updated: April 18, 2019

#### Purpose

The following Bylaws are hereby adopted by the Sault Sainte Marie Zoning Board of Appeals to facilitate the performance of its duties as outlined in Section 10-1.20 of the Sault Sainte Marie Zoning Ordinance.

#### Article I— Name

The name of the Sault Sainte Marie Zoning Board of Appeals shall hereinafter be referred to as the "Board."

#### Article II— Objectives

Section 1. The objectives, purposes, powers, and duties of the Board are those set forth by Section 10-1.20 (2003) of the City of Sault Sainte Marie Zoning Ordinance and all subsequent amendments thereto, in accordance with Act No. 110 of the Public Acts of Michigan of 2006, as amended.

Section 2. The Board is empowered by Section 10-1.20 (2003) to decide upon applications the following requests:

- 1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision or refusal made by the administrative office in carrying out or enforcing any provisions of the Zoning Ordinances.
- 2) Interpretation. To hear and decide, in accordance with the provisions of the Zoning Ordinance, requests for interpretation on which the Zoning Ordinance specifically authorizes the Board to act.
- 3) Variance. To authorize, upon an appeal, a variance from the strict applications of the provisions of the Zoning Ordinance whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of

property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship as to the use of the property in question upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance. In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of the Zoning Ordinance. In granting a variance the Board shall state the grounds upon which it justifies the granting of a variance.

- 4) Modification of parking requirements. Permit the modification of automobile parking space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements, or where the provisions of the required amount of parking spaces would create undue hardship in existing business areas, in the opinion of the Board.
- 5) Hear and decide on any other matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under the terms of this chapter.

### Article III — Membership

Section 1. Membership of the Board is set forth by Section 10-1.20 (2000) of the City of Sault Sainte Marie Zoning Ordinance. Members shall be citizens of the City of Sault Ste. Marie. The Board shall consist of seven (7) members and two (2) alternate members. The appointments shall be as follows: One (1) member appointed for a period of one (1) year; three (3) members appointed for a period of two (2) years; and three (3) members appointed for a period of three (3) years; respectively; thereafter, each member shall be appointed to hold office for the full three (3) year term. The appointments of the two (2) alternate members shall be as follows: One (1) alternate member appointed for a one (1) year term; one (1) alternate member appointed for a two (2) year term; thereafter, each alternate member shall be appointed to hold office for a full three (3) year term. The Board shall annually elect its own Chairman, Vice Chairman and acting Secretary (in the event Building Department staff is unable to attend to take minutes). The alternate

members shall plan on attending each Board of Appeals meeting, unless otherwise contacted by the Building Department staff or the Chair. An alternate member shall sit as a regular member either in the absence of a regular member or when a regular member has abstained from acting on a matter coming before the Board.

**Section 2.** An alternate may vote when any one (1) member is absent. Whenever an alternate is serving and an item at that meeting is tabled to a future meeting, the alternate must be present to vote on the tabled item.

**Section 3.** Any member who has three (3) unexcused absences shall be considered delinquent. The City Building Department staff shall notify the City Commission whenever a member of the Board is found in delinquency so the City Commission can consider further action or excuse the member's absences. Delinquency shall be grounds for the City Commission to remove a member from the Board for nonperformance of duty after holding a public hearing on the matter.

#### Article IV— Officers and Their Duties

**Section 1.** The officers of the Board shall be a Chairperson, Vice Chairperson, and acting Secretary (in the event City Building Department staff cannot be present at a Board meeting to take/record minutes).

**Section 2.** Such other offices, subcommittees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Board.

**Section 3.** The Chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.

**Section 4.** The Vice Chairperson shall preside and exercise all of the duties of the Chairperson in his/her absence. Should neither the Chairperson nor the Vice Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority vote of the members present.

**Section 5.** The Chairperson shall sign all legal documents of the Board.

**Section 6.** The City Building Department staff or delegate shall act as the Secretary of the Board and shall be responsible for the minutes and records of all proceedings and cases before the Board.

## Article V — Election of Officers

**Section 1.** Nomination of officers shall be made from the floor at the first meeting of the calendar year.

**Section 2.** A candidate receiving a majority vote of the entire Board, shall be declared elected and shall serve a term of one (1) year or until his/her successor shall take office.

**Section 3.** Vacancies in offices shall be filled immediately by regular election procedures.

**Section 4.** The officers should be regular members of the Board, however alternate members are allowed to serve as officers if the Board so chooses.

## Article VI — Meetings

**Section 1.** All regular and special meetings, hearings, and records shall be open to the public, in accordance with the State of Michigan Public Act 442 of 1976 and 267 of 1976.

**Section 2.** The regular meetings of the Board are to be held on an established schedule as determined by the Board.

**Section 3.** A special meeting of the Board may be called by the Chairperson, or by the Vice Chairperson, in the event the Chairperson is unavailable, or by any three members of the Board. Each member of the Board will receive notice of the time, place, and purpose of the special meeting in accordance with the City Zoning Ordinance.

**Section 4.** All inquiries, applications, or matters requiring official action by the Board shall be submitted in writing; be properly drafted on official forms necessary; and contain all relevant information regarding the matter; upon which the Board is requested to act, in accordance with the requirements of the Zoning Ordinance. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the City Building Department or by withdrawing in person at the public hearing at which the matter is scheduled for consideration.

**Section 5.** The normal order of business at meetings shall be as follows:

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes
- 4) Explanation of Meeting Procedures
- 5) Variance Requests
- 6) Public Comment
- 7) Old Business
- 8) New Business
- 9) Adjournment

**Section 6.** A quorum shall consist of four (4) members of the Board.

**Section 7.** All decisions and resolutions of the Board shall be initiated by the motion.

**Section 8.** A majority of regular members is required to conduct business. All votes must pass by a majority of the total membership of the Board (not merely a majority of those present).

**Section 9.** Voting shall be by voice vote and shall be recorded as individual ayes or nays unless requested by a member of the Board, in which case, the Chairperson shall order the vote to be so recorded, except that any member may abstain by so declaring when an item is introduced for consideration. The abstaining member shall then remove him or herself from the dais to the audience seating area or leave the meeting room until the Board has completed its action on the item.

**Section 10.** Parliamentary procedure in Board meetings shall be governed by Roberts Rules of Order, as amended.

**Section 11.** Minutes of all proceedings shall be kept, including all motions, findings, decisions, actions, and stipulations. The minutes shall be approved or amended by the Board at a subsequent meeting and shall be kept on permanent record.

#### Article VII — Variances

**Section 1.** Decisions on variances shall be in accordance with the Zoning Ordinance, Michigan Zoning and Planning Enabling Acts, and all judicial precedent guiding the application of the Zoning Ordinance.

### Article VIII - Administrative Appeals

**Section 1.** Administrative appeals may be commenced by a person aggrieved only after a decision of the applicable city official or agency has been made. Said appeal shall be made within ten (10) days of the determination (including but not limited to an order, denial of permit, or requirement).

**Section 2.** The filing of appeals stays all proceedings in furtherance of the action appealed from unless the Building Department certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property.

**Section 3.** All decisions of the Board shall be recited in the official minutes of the Board. A copy of the minutes shall be mailed by first class mail to the party who caused the matter to come before the Board. The mailing date shall be stamped upon the minutes. The Board shall keep a record and proof of such mailing. The decision of the Board shall be final, unless within twenty-eight (28) days after the date of mailing stamped upon the minutes, a person having an interest affected by the decision files an appeal in the Chippewa County Circuit Court in accordance with the Court rules taking such appeals.

### Article IX - Disposition of Administrative Appeals and Applications

**Section 1.** Whenever any variance is approved by resolution of the Board, the necessary permits shall be obtained and any authorized actions shall begin within one year following the date of such variance or authorization. Should the applicant fail to obtain such permits or fail to commence work within such subsequent period, it shall be presumed that the applicant/appellant has waived, withdrawn, or abandoned his appeal; and all permissions, authorizations, variances, and permits shall be deemed to be rescinded. The applicant may, at any time within that one year; request an extension from the Board. The length of such extension shall be determined by the Board at the time of the request.

### Article X - Amendment/Adoption

These Rules of Procedure and Policy may be amended at any regular meeting upon an affirmative vote of two-thirds (2/3rds) of the members of the Board.