

BY-LAWS
AND
PROCEDURES
FOR THE CITY OF
STERLING HEIGHTS
ZONING BOARD OF APPEALS



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Date Adopted: January 27, 2011

Amended: March 23, 2021

ARTICLE I
ESTABLISHMENT AND PURPOSE
CITY OF STERLING HEIGHTS
ZONING BOARD OF APPEALS

PUBLIC ACT 110 of 2006 EMPOWERS THE CITY COUNCIL OF THE CITY OF STERLING HEIGHTS TO ESTABLISH A ZONING BOARD OF APPEALS. THE COUNCIL ADOPTED ZONING ORDINANCE NO. 278 EFFECTIVE SEPTEMBER 18, 1989. ARTICLE 30 OF ORDINANCE 278 PROVIDES FOR THE ESTABLISHMENT OF A ZONING BOARD OF APPEALS WHICH IS AUTHORIZED TO PERFORM DUTIES AND EXERCISE POWERS AS PROVIDED IN ACT 110 of 2006 OF PUBLIC ACTS OF 2006, AS AMENDED IN SUCH A WAY THAT THE OBJECTIVES OF THE ORDINANCE ARE OBSERVED, PUBLIC SAFETY SECURED, AND SUBSTANTIAL JUSTICE DONE.

THE BOARD FUNCTIONS AS A QUASI-JUDICIAL BODY WITH SPECIFIC POWERS AND LIMITATIONS AS OUTLINED IN THE VARIOUS SECTIONS OF ORDINANCE 278. THE ORDINANCE SETS THE STANDARDS THE BOARD MUST APPLY IN MAKING ANY DECISION. ONLY THE COURTS MAY MODIFY OR REVERSE A DECISION OF THE BOARD.

SECTION 30.02 LISTS THE MAJOR AREAS OF AUTHORITY OF THE BOARD.

1. Ordinance interpretation
2. Appeals of administrative determination
3. Modifications and variance changes
4. Use variances

THE ORDINANCE REGULATIONS ARE DESIGNED TO PROTECT THE RIGHTS OF ALL PROPERTY OWNERS. THE ZONING BOARD OF APPEALS HAS AUTHORITY TO MODIFY THE REQUIREMENTS OF THE ORDINANCE IN SITUATIONS WHERE UNUSUAL CONDITIONS OF THE PROPERTY WOULD CAUSE UNNECESSARY HARSHSHIP OR PRACTICAL DIFFICULTY TO THE PROPERTY OWNER IF THE ORDINANCE WERE STRICTLY ENFORCED. IN ADDITION, THE ZONING BOARD OF APPEALS HAS THE AUTHORITY TO INTERPRET THE ORDINANCE AND CONSIDER APPEALS OF ADMINISTRATIVE DECISION MADE UNDER THE ORDINANCE.

ARTICLE II - ORGANIZATION OF THE BOARD

SECTION 1 MEMBERSHIP

- A. The Zoning Board of Appeals shall consist of seven members as provided for in Article 30 of Ordinance 278 and Public Act 110 of 2006 as amended.
- B. Board members shall continue to serve beyond the expiration date of their term of appointment until a replacement member is appointed by the City Council.
- C. The City Council may also appoint up to two (2) alternate members to serve on the Zoning Board of Appeals for the same terms as regular members. The alternate members shall be called on a rotating basis to serve as a member of the Board 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 the regular member has abstained for reasons of conflict of interest. An alternate member has the same voting rights as a regular member with respect to the cases for which the alternate member is appointed and serving.
 1. An alternate member shall receive the same meeting materials provided to regular members, shall review and prepare for the meeting in the same manner, and shall accept a call to serve from the City Planner upon at least 24 hours' notice unless unable to do so by virtue of illness, absence, conflict of interest, advance notice from the alternate that he or she will be unavailable for the upcoming meeting, or lack of sufficient time to prepare in order to meaningfully participate and make an informed decision.
 2. When an alternate member accepts a call to serve for a particular meeting, case, or set of cases, he or she shall participate in the case(s) at subsequent meetings until a decision has been rendered if the alternate member is serving due to a regular member's conflict of interest.
 3. A regular member whose anticipated absence or abstention triggers the appointment of an alternate member for a particular case or set of cases shall participate in those cases as a member of the Board in the event the case is postponed to a subsequent meeting attended by that regular member, unless:
 - a. The regular member's absence or abstention is due to a conflict of interest; or

ARTICLE II - (CONTINUED)

- b. The regular member determines that he or she has not had sufficient time to review the recording of the meeting at which the regular member was absent and determines that he or she does not have sufficient information upon which to make an informed decision due to the alternate member's original participation in his or her place.
4. At the onset of any Board meeting at which an alternate member is serving for one or more cases, that alternate member should respond to the Secretary of the Board's roll call by stating for the record those cases before the Board in which the alternate member will be participating. In the event that the regular member for whom the alternate is participating is also present at the meeting, that regular member should respond to the Secretary of the Board's roll call by stating for the record those cases in which the regular member shall not be participating due to substitution by an alternate member.
5. An alternate member may not be counted for purposes of reaching a quorum. (Part C added March 23, 2021)

SECTION 2 OFFICERS OF THE BOARD

- A. The officers of the Board shall consist of a Chairperson, Vice-Chairperson and Secretary.
- B. The Zoning Board of Appeals may provide for such other officers as it deems necessary and desirable for the conduct of business and in accordance with statutes of the State of Michigan.

SECTION 3 CITY ADMINISTRATIVE ASSISTANCE

The City Manager or his duly appointed representative shall assist the Board as requested. The City Administration shall provide staff to assist the Board and its Secretary in carrying out their functions.

SECTION 4 COLLECTIVE BODY

The Board shall act collectively on all matters. No member shall officially represent the board either orally or in writing unless authorized by the Board.

SECTION 5 WRITTEN LEGAL OPINION

Any Board member may, through a majority vote of the Board members present at any regular or special meeting, request a written legal opinion regarding Board business from the City Attorney. All Board members shall receive a copy of such legal opinion.

ARTICLE III - ELECTION OF OFFICERS

SECTION 1 ELECTION NOTICE

The Secretary or Chairperson shall give formal notice of election of officers to the Zoning Board of Appeals in writing prior to the first regular scheduled meeting in September.

SECTION 2 NOMINATION

Officers shall be nominated orally at the election meeting which is scheduled for the first scheduled meeting in September. Only those members present at the election meeting are eligible for nomination.

SECTION 3 ACCEPTANCE OF NOMINATION

Any nominee shall accept or decline the nomination prior to the vote for such office.

SECTION 4 ELECTION OF OFFICERS

- A. Election for each office shall be held immediately after nominations.
- B. The election shall be by written ballot. Each person voting shall initial or sign his ballot.
- C. Ballots shall be counted by the Recording Secretary and certified by the City Attorney or any other person appointed by the Chairperson.
- D. A simple majority of the Board members voting is needed to elect an officer.
- E. Voting absentee or by proxy shall not be allowed.
- F. The Board may postpone the election of officers to its next regular meeting by a majority vote of the members present.
- G. In case of two consecutive tie votes for an office, the election for that office shall be postponed until the next regular meeting.
- H. In the event only one Board member is nominated for any office, the Board may dispense with the ballot process and declare that position filled by acclamation.

ARTICLE III - (CONTINUED)

SECTION 5 TERMS OF OFFICE

- A. All officers shall serve until the first regular meeting in September of the succeeding year, or until successors are elected.
- B. All current officers of the Board shall be eligible for re-election or for any vacancy of office.
- C. No member of the Board shall hold more than one elected office at any given time.

ARTICLE IV - VACANCY OF OFFICE

SECTION 1 VACANCY: REMOVAL PROCESS

A vacancy in office occurs if an officer has four consecutive unexcused absences for scheduled meeting dates. If an officer fails to attend two (2) consecutive scheduled meeting dates, the Board shall, after written notice to the officer, determine whether the absences are unexcused. If the Board is satisfied that the officer had a reasonable excuse for the absences, or that the officer is ready and able to resume undertaking the responsibilities of the office, the Board may determine that the office is not vacated. If the Board determines that the absences are unexcused or that the officer is unable or unwilling to discharge the duties of the office, the Board may remove the officer by majority vote of those present.

SECTION 2 VACANCY OF THE OFFICE OF CHAIRPERSON

- A. In the event of a vacancy in the office of Chairperson, the Vice-Chairperson shall become the Chairperson of the Board for the balance of the Chairperson's term of office.
- B. The Vice-Chairperson, upon becoming Chairperson and accepting the duties of the Chairperson, vacates the office of Vice-Chairperson.

SECTION 3 VACANCY OF THE OFFICE OF THE VICE-CHAIRPERSON AND/OR SECRETARY

The Board shall call a special election to fill the vacancy of the Vice-Chairperson and/or Secretary. The election shall be held within thirty (30) days of the occurrence of the vacancy.

ARTICLE V - DUTIES OF OFFICERS

SECTION 1 CHAIRPERSON

- A. The Chairperson shall be the chief executive officer of the Board and shall preside at all meetings of the Board. The Chairperson shall appoint all committees or advisory committees established and provided for the Board, and shall be an ex-officio member of all committees.
- B. The Chairperson shall have the right to vote as a Board member on all matters before the Board.
- C. The Chairperson shall have the right to introduce a motion as any other Board member.
- D. The Chairperson shall, after the Board has reached its final decision on a case, sign the necessary orders to effectuate the decision of the Board.
- E. In the absence of the Secretary, the Chairperson shall appoint a temporary Secretary from the members of the Board present.
- F. The Chairperson shall attest to the official minutes.
- G. The Chairperson shall perform all the additional duties and responsibilities which are a normal part of that office.

SECTION 2 VICE-CHAIRPERSON

- A. The Vice-Chairperson shall assume all duties of the Chairperson in the event of absence or disability during such period of absence or disability of the Chairperson.
- B. The Vice-Chairperson shall prepare an annual report in accordance with Article IX.

SECTION 3 SECRETARY

- A. The Secretary shall perform the usual functions of the office, and such other duties as the Chairperson or the Board may direct.

ARTICLE V - (CONTINUED)

- B. The Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Board.
- C. In the event of the absence or inability of the Chairperson and the Vice-Chairperson to discharge the duties of the Chairperson, the Secretary shall appoint a temporary Chairperson.
- D. The Secretary or Chairperson shall notify all Board members of any regular meeting no later than the Friday preceding any such meeting. Notification shall be by mail or by personal communication.
- E. The Secretary shall co-sign the official minutes.

ARTICLE VI – MEETINGS

SECTION 1 REGULAR MEETINGS

- A. Regular meetings of the Zoning Board of Appeals shall be scheduled and held at least once each month at a time and place designated by the Board of Zoning Appeals and in accordance with Public Act 110 of 2006, unless the Board cancels the meeting for lack of a quorum or a lack of business to be conducted.
- B. Public notice of meetings shall also be given in accordance with the Open Meetings Act.
- C. All regular meeting dates shall be set for the following calendar year no later than the month of December.
- D. All Board members shall receive notice of each regular meeting no later than the Friday preceding any such meeting. Such notice shall include:
 1. An Agenda for the meeting.
 2. All documents submitted by the petitioner with the completed application. The application, or separate attachment, shall indicate all persons authorized to appear on behalf of the property owner/petitioner.
 3. Any back-up materials furnished by the Administration.

SECTION 2 SPECIAL MEETINGS

- A. Special meetings may be held as called by the Chairperson or by any four (4) Board members.
- B. The Chairperson shall set the agenda for the special meeting.
- C. For special meetings, each member of the Board shall receive at least five (5) days notice as to the time, place, and purpose of the meeting. This notice requirement may be waived if the special meeting is called at a meeting where all members are present. At all special meetings where notice has been given, the business of the meeting shall be limited to the subjects contained in the notice and no other business may be considered by the Board.
- D. Public notice of any special meeting shall be posted at City Hall.

ARTICLE VI - (CONTINUED)

SECTION 3 CONDUCT/FORMAT OF MEETINGS

All meetings subject to the following rules:

- A. All meetings shall be open to the public and held in a place available to the public as defined by Public Act 110 of 2006 as amended, except closed sessions held in accordance with the Open Meetings Act.
- B. All notices of such public meetings shall be posted as required by Public Act 110 of 2006 as amended and the Open Meetings Act.
- C. All persons shall be permitted to attend any meeting and may not be excluded, except for a breach of the peace committed at such meeting.
- D. Any person attending a meeting, unless excluded under the preceding Section, may speak in accordance with rules of the Board.
- E. Any person attending a meeting may tape-record, videotape, broadcast live on radio, or telecast live on television the proceedings of the Board, subject to any rules of the Board.
- F. Any person who wishes to present information via multimedia at a public hearing shall have the content of the presentation reviewed by the City Planner and Community Relations Director to determine that the material is in compliance with the cable casting rules for SHTV.
- G. Any person attending a meeting may speak upon an item during the public hearing portion for such case. Otherwise, a person attending a meeting may speak only during the public participation portion of the meeting. The Chairperson may reopen the public hearing on a particular item once it has previously been closed. The Chairperson shall have the right to limit comments to pertinent matters concerning the case.
- H. A quorum shall consist of four (4) regular members. In the absence of a quorum, the Board members present at the meeting shall adjourn the meeting to the next regular meeting date with an open agenda. The agenda must be republished if the adjournment is greater than thirty-six (36) hours.
- I. All decisions of the Board shall be initiated by motion. The vote upon all dispositive motions following a public hearing shall be by roll call vote.

ARTICLE VI - (CONTINUED)

- J. Written notice of the meeting shall be mailed to each petitioner or his designated representative.
- K. All persons to whom real property is assessed within 300 feet of the premises, and all occupants of structures within 300 feet of the premises, as determined by assessment records, shall be notified by regular mail of the scheduled hearing.
- L. An agenda for each meeting shall be sent to City Council, City Manager, City Attorney, Recording Secretary, and all appropriate department heads.
- M. Any person disrupting the proceedings shall be subject to the Chairperson ordering his removal. Such person shall have no right of appeal from such an order of the presiding officer.
- N. Order of Business (Agenda as published and adopted)
 - 1. Call to order
 - 2. Pledge of Allegiance
 - 3. Roll Call
 - 4. Approval of Agenda
 - 5. Correspondence
 - 6. Public Hearings
 - 7. Approval of Minutes
 - 8. Planning Commission Report
 - 9. Old Business
 - 10. New Business
 - 11. Public Participation
 - 12. Adjournment

(Part N amended March 23, 2021)

ARTICLE VI - (CONTINUED)

SECTION 4 GENERAL PUBLIC PARTICIPATION

- A. During the general public participation part of the meeting, any person may speak on any subject of general concern relating to the functions of the ZBA.
- B. Public participation by each speaker shall be limited to three minutes.
- C. The Chairperson may request any person disrupting the meeting to leave the meeting room. If such person does not leave, the meeting may be recessed until the disturbance has been quelled and/or the disruptive person removed.
- D. The Chairperson shall limit comments to matters relating to functions of the Board.

SECTION 5 PUBLIC HEARING

- A. Public Hearing Procedure.
 - 1. Introduction by Chairperson
 - 2. Presentation by property owner/petitioner or authorized representative
 - 3. Direct questions from Board to property owner/petitioner or authorized representative
 - 4. Open public hearing to audience
 - 5. Close public hearing to audience
 - 6. Direct questions by Board to property owner/petitioner or authorized representative and any other persons as necessary
 - 7. Final summation by property owner/petitioner or authorized representative
 - 8. Call for motion

ARTICLE VI - (CONTINUED)

- a. Motion
- b. Second
- c. Discussion on Motion
- d. Vote
- e. Deliver notice of action to petitioner signed by Chairperson
- f. If petitioner is not present, signed notice of Board action shall be mailed

B. During the public hearing portion all members of the general public will have the opportunity to be heard.

C. The Chairperson may impose a three minute time limitation on public participation by each speaker.

D. The Chairperson may request any person disrupting the meeting to leave the meeting room. If such person does not leave, the meeting may be recessed until the disturbance has been quelled and/or the disruptive person removed.

E. The Chairperson may limit comments to matters relating to the agenda item which is the subject of the Public Hearing.

SECTION 6 RULES RELATING TO RECORDING OR BROADCASTING OF PROCEEDINGS

A person may tape record, videotape, broadcast live on radio or television the proceedings of the Board at a public meeting in accordance with the following established rules (in addition to those found in Appendix V) designed to minimize interference or disruption of the meeting.

- A. The person recording, videotaping or broadcasting shall either be seated in the audience, or shall locate himself (or herself) and his or her equipment so as to not interfere with the conduct of the meeting, the viewing of the meeting by persons in the audience, or with the cable casting of the meeting by City cable TV staff broadcasting for residents of the City. In no instance shall a person with recording equipment stand between the podium and the council table during the proceedings of the Board.

ARTICLE VI - (CONTINUED)

- B. The person recording, videotaping or broadcasting the Board meeting shall not use artificial lighting other than that provided in the Council Chambers for cablecasting.
- C. The person recording, videotaping or broadcasting the proceedings shall not move around or make any noises that disrupt, disturb or interfere with the conduct of the meeting.
- D. Any person recording, videotaping or broadcasting the proceedings of the Board in a manner which violates these rules or in any other manner disrupts the conduct of the meeting may be asked by the Chairperson to either discontinue the recording or to leave the meeting. If such person does not discontinue the recording, or leave the meeting room as requested by the Chairperson, the meeting may be recessed until the recording has discontinued or the disruptive person and his or her equipment removed.

SECTION 7 MINUTES

- A. The Corresponding Secretary of the Board shall keep minutes of each meeting showing the date, time, place, members present, members absent, the substance of comments made by Board members and members of the public, any decisions made at an open meeting, and the purpose for which a closed session is held. All roll call votes taken at the meeting shall be recorded.
- B. The Board shall maintain a record of its proceedings which shall be filed in the Office of City Clerk in accordance with the Open Meetings Act.
- C. Corrections in the minutes shall be made at the next meeting after the meeting to which they pertain and shall include both original entry and the correction.

SECTION 8 CLOSED SESSIONS

Closed sessions may be held only for purposes specifically authorized in the Open Meetings Act. The Board shall publicly state the reason for recessing or adjourning to closed session.

ARTICLE VII - RULES OF PROCEDURE

SECTION 1 PARLIAMENTARY AUTHORITY (Governing Rules)

Unless in conflict with these By-laws, the Zoning Ordinance, Public Act 110 of 2006, or the Open Meetings Act, "Roberts Rules of Order Newly Revised" shall govern the conduct of the meetings of the Zoning Board of Appeals.

SECTION 2 MOTION TO APPROVE

- A. The affirmative vote of four members of the Board is necessary to reverse any order, requirement, decision, or determination of any administrative official; to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance; or to effect any non-use variance in this Ordinance.
- B. The affirmative vote of five members of the Board is required to grant any use variance.

SECTION 3 MOTION TO DENY

The concurring vote of a simple majority of the members present of the Board is necessary to deny a request.

SECTION 4 EFFECT OF FAILURE TO OBTAIN REQUIRED VOTE

If the petitioner fails to obtain the affirmative vote of the number required to approve the request, and no other motion is made and adopted, the petitioner's request is deemed denied. If a motion to deny fails to obtain a majority vote of the members present, and no motion to approve is made and adopted, the petitioner's request is deemed denied. The Board may postpone action in such cases in order to try to reach a dispositive vote on the case.

SECTION 5 MOTION ON FLOOR

While a motion is on the floor for consideration and discussion by the Board, the Petitioner may not speak, interject or comment without first obtaining the consent of the Chairperson. This shall not prevent the answering of a question directed to the petitioner by a member of the Board while a motion is on the floor.

ARTICLE VII - (CONTINUED)

SECTION 6 MOTION TO RECONSIDER A MOTION

- A. A motion to reconsider a motion on the case being heard can only be made by a member of the Board who voted on the prevailing side of the original motion at the meeting at which the action is taken while the petitioner or his representative is present. A person who abstains from a vote or is absent from the vote shall be deemed to be on the prevailing side.
- B. Any member of the Board from the prevailing side may second such a motion.
- C. The Board shall not hold a rehearing on a case unless specifically authorized by ordinance or required by law.

SECTION 7 QUESTION OF THE MOTION

- A. Intent - to close debate immediately on the pending motion and bring it to a vote.
- B. Form, "I question the motion."
 - 1. Needs no support
 - 2. Must be approved by a 2/3 majority
 - 3. Undebatable and takes precedence over all motions and requires an immediate vote on the main motion provided each Board member has had one opportunity to speak on the main motion

SECTION 8 MOTION TO POSTPONE

- A. Intent - to postpone action to another date which is established at the time of the motion.
- B. Form – "I move to postpone Case BZ ____ to ____."
 - 1. It needs support
 - 2. It takes precedence over motions on the floor at the time
 - 3. It is debatable
 - 4. It must be approved by a simple majority

ARTICLE VII - (CONTINUED)

C. If a full Board is not present, the Chair may ask whether the applicant prefers a postponement of the public hearing. If the applicant prefers to move forward with the public hearing, and the case proceeds with a public hearing, postponements will not be granted absent good cause or a tie vote. "Good cause" is defined as more than a ministerial concern, a tangential issue, or a lack of a full Board, and shall be limited to a lack of material information necessary to making a decision on the factors required by the Zoning Ordinance to be addressed. "Good cause" for a postponement after a public hearing must be stated in any postponement motion that is made. (Added March 23, 2021)

SECTION 9 VOTING

Each member of the Board present shall have the right to vote on all motions.

SECTION 10 TIE VOTE

A tie vote shall render a request denied unless a subsequent motion is made which is inconsistent with final denial (motion to postpone, table, or approve a different request).

SECTION 11 VOTES TO ABSTAIN

An abstention shall not be counted as an affirmative or negative vote provided; however, if the Petitioner fails to obtain the required votes for approval, the request is deemed denied if no other motion is made and adopted.

SECTION 12 ROLL CALL VOTE

The roll is called in the following order:

1. The member who makes the motion
2. The member who seconds the motion
3. In alphabetical order starting after the member who seconds the motion

ARTICLE VIII - FUNCTIONS OF THE BOARD

SECTION 1 ORDINANCE INTERPRETATIONS

The Board has the authority to interpret the ordinance text and maps and all matters relating to the ordinance as to the meaning and intent of any provision or map which is a part of the ordinance. The affirmative vote of four members of the Board is necessary to find in favor of an applicant challenging the interpretation of the City.

SECTION 2 APPEALS OF ADMINISTRATIVE DECISIONS

The Board has the authority to hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit decision or refusal by the City Planner in administering or enforcing the provisions of the ordinance. The affirmative vote of four members of the Board is necessary to find in favor of an applicant challenging the administrative decision of the City.

SECTION 3 NON-USE VARIANCES

The Board has the authority to grant non-use variances to the height, placement, and area regulations, and any other provision of the ordinance which would not involve permitting a use contrary to the use restrictions for a particular use or contrary to the use restrictions of a particular zoning district. Such variances are authorized where strict compliance with the requirement would unreasonably prevent the owner or user from using the property for the permitted use, or would render conformity unnecessarily burdensome if the problem arises from unique circumstances of the property, was not self-created and would result in substantial justice being done to all affected property owners. The affirmative vote of four members of the Board is necessary to find in favor of an applicant seeking the variance. The Board may impose reasonable conditions in approving the variance.

SECTION 4 USE VARIANCES

The Board has the authority to grant use variances to permit a use which is not authorized in a particular zoning district or to vary the special conditions established for a special land use which are applicable to the particular land use in a particular use district. Such variances are authorized only if strict enforcement of the ordinance would cause unnecessary hardship due to unique circumstances of the property which do not generally apply to other properties in the same district, such variance is necessary to preserve a property right enjoyed by others, such variance will not unreasonably impair certain benefits provided to other property owners as a result of the ordinance, and substantial justice will be done to all affected property owners. The affirmative vote of five Board members is necessary to approve any use variance request. The Board may impose reasonable conditions upon the approval of any use variance.

ARTICLE VIII - (CONTINUED)

SECTION 5 TIME LIMITATIONS ON VARIANCE

The approved variance shall be effective only if the variance is used within twelve (12) months from the date it is granted unless the Board establishes a different time period. After the variance has expired without being used, the petitioner must reapply and demonstrate that all of the requirements for approval still are met.

ARTICLE IX - ANNUAL REPORT

The Vice-Chairperson of the Zoning Board of Appeals shall, by April 15 of the following year, prepare and submit to the Board for approval, and submit to the City Council a written report of its activities covering the previous calendar year. This report is to cover the following:

1. Number of cases scheduled
2. Number of meetings held
3. Action taken on cases heard
4. Attendance

ARTICLE X

SECTION 1 AMENDMENT OF BYLAWS

These bylaws, in whole or in part, may be altered, amended, added to or repealed by a majority vote of the Board members present at any regular or special meeting, provided that notice of all proposed alterations, amendments or repeals shall be submitted to all members of the Board at least seven days before the regular or special meeting of the Board at which they are to be considered. All amendments shall become effective immediately upon a majority vote of the Zoning Board of Appeals.

APPENDIX I
CITY ADMINISTRATIVE FUNCTIONS

1. Prepare a tentative agenda of all pending cases.
2. Prepare, post, and mail all notices in compliance with Public Act 110 of 2006 and the Open Meetings Act as amended to all affected parties.
3. Cause to be published in the newspaper of record all meeting dates in compliance with Public Act 110 of 2006 as amended.
4. Contact the proper City Departments for reports and recommendations as requested.
5. Provide the Board with any assistance necessary to execute the business of the Board, including a recording secretary who shall be charged with recording the minutes of any meeting as follows:
 - A. Minutes shall include the date, time, and place of the meeting, members present and absent, and decisions made including all roll call votes.
 - B. Proposed minutes of public meetings shall be available for public inspection not more than eight (8) business days after the meeting to which they pertain. Such minutes except for minutes of closed meetings will be available in the Planning and Zoning Office and City Clerk's office.
 - C. Approved minutes of public meetings shall be available not later than five (5) business days after the meeting at which they were approved. Such minutes will be available in the City Clerk's office.
6. Cause to be maintained a permanent record of minutes in the City Clerk's office, as approved by the Board, including the minutes of closed meetings.
7. Closed Meeting Minutes:
 - A. Closed meeting minutes shall be distributed at Board meetings and collected immediately upon adjournment. The original is to be maintained in accordance with Paragraph B and all copies are to be destroyed by Administration.
 - B. Minutes of any closed session shall be kept for at least one year and one day after the approval of the minutes of the regular meeting at which the closed session was held. Such minutes shall be kept in the City Clerk's office and shall not be available to the public and shall only be disclosed if required by Court Order.
8. Cause all appellants to be notified by mail of all decisions by the Board to persons that have not been notified in writing by the Chairman.
9. Distribute notices as per Article VI, Section 3.

APPENDIX II

ZBA Motion Format

MOTION TO APPROVE:

In the case of BZ###, name, address, I move to **APPROVE** (variance requested) with the following conditions:

- 1) That the decision of the Board will remain valid and in force as long as the facts and information presented to the Board in Public Hearing are found to be correct, and that the conditions upon which the motion is based are forever maintained as presented to the Board. The petitioner agrees to abide by and comply with all the ordinances of the City of Sterling Heights and the regulations of every lawful agency or governing authority now or hereafter in force;
- 2) Notice of the approval of the variance shall be delivered to the City Clerk's office within 60 days of this approval for recording with the Macomb County Register of Deeds. Failure to file this notice shall serve as grounds to revoke the variance;
- 3) A Hold Harmless Agreement, in favor of the City of Sterling Heights, shall be delivered to the City Clerk's office within sixty (60) days of this approval for recording with the Macomb County Register of Deeds. Failure to follow this agreement shall serve as grounds to revoke the variance.

The following finding of facts are noted:

MOTION TO DENY:

In the case of BZ###, name, address, I move to **DENY** (variance requested) for the following reasons:

- 1) Strict compliance would not unreasonably prevent owner from using the property for a permitted purpose;
- 2) There are no unique circumstances of the property that would render conformity unnecessarily burdensome.

The following finding of facts are noted:

MOTION TO POSTPONE:

In the case of BZ###, name, address, I move to **POSTPONE** the request to the next meeting so that the petitioner may provide additional information to the Board.

APPENDIX III

APPELLANT'S RESPONSIBILITIES:

1. File all forms as required by City Administration.
2. File a complete application for hearing.
3. Provide Proof of Ownership.
4. Provide names of all authorized representatives/speakers.
5. Pay all required fees.
6. Provide all correspondence to Zoning Board of Appeals, City of Sterling Heights, 40555 Utica Road, P.O. Box 8009, Sterling Heights, Michigan, 48311-8009.
7. Provide all site plans.
8. Be accurate.
9. Write legibly.
10. Detail all pertinent facts in your application. Pertinent facts that meet the requirements of Ordinance 278.
11. Present your case in public hearing on date set by Zoning Board of Appeals.
12. Comply with the decision of the Board and the conditions imposed by the Board.

APPENDIX IV
MINUTES SYNOPSIS

A ONE PAGE SYNOPSIS OF THE ZONING BOARD OF APPEALS MEETINGS SHALL BE ATTACHED TO ALL MINUTES SENT TO THE BOARD AND EX OFFICIO MEMBERS FOR APPROVAL.

THIS SYNOPSIS SHALL INCLUDE THE FOLLOWING INFORMATION:

1. Meeting type
2. Meeting date
3. Board members absent
4. Case number and common name of each petitioner
5. Type of decision requested
6. Board action taken and vote

APPENDIX VI
PUBLIC ACT 110 OF 2006 Article VI