

**VILLAGE OF SPRING LAKE  
ZONING BOARD OF APPEALS  
RULES OF PROCEDURE**

**ARTICLE I  
JURISDICTION AND POWERS**

Jurisdiction and Powers. The Zoning Board of Appeals (the "Board") shall have all the jurisdiction and powers specified in the Zoning Ordinance of the Village of Spring Lake (the "Zoning Ordinance"), as amended, and all applicable statutes of the State of Michigan.

**ARTICLE II  
OFFICERS AND COMMITTEES**

SECTION 1. At its first regular meeting of the fiscal year, July 1 through June 30, the Board shall elect a Chairperson and Vice-Chairperson from its members, and such other officers as it may deem advisable, to serve as officers of the Board for that fiscal year. No member of the Board may hold more than one office. An elected officer of the Village of Spring Lake (the "Village") shall not serve as Chairperson.

SECTION 2. The officers, the Chairperson and Vice-Chairperson, shall have the same discussion and voting rights and duties as other members of the Board.

SECTION 3. The Chairperson may, subject to the approval of the Board, appoint such committees as may be necessary; in connection therewith, the Chairperson shall specify the duties of the committees and determine when the committees shall be discharged. A person who is not a member of the Board may serve on a committee. The Chairperson shall be an ex-officio member of all committees.

SECTION 4. The Chairperson shall preside at all meetings of the Board and shall take such action and measures as are necessary to conduct such meetings in an orderly and businesslike manner. The Chairperson may administer oaths and compel the attendance of witnesses at meetings of the Board. In the case of absence or inability of the Chairperson to act, the duties of that office shall be performed by the Vice-Chairperson. If the office of Chairperson becomes vacant by death, resignation or otherwise, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

SECTION 5. The Zoning Administrator shall perform the usual duties of the office of Secretary, and such other duties as the Board may direct, specifically including the following:

- A. The Zoning Administrator shall be responsible for the safekeeping of all official minute books and records of the Board; and
- B. The Zoning Administrator shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Board.

**ARTICLE III  
MEETINGS**

SECTION 1. Generally. Meetings of the Board shall generally be held at the Barber School Community Center, 102 West Exchange Street, Spring Lake, Michigan. The Board shall

generally meet the second Tuesday of the month at 7:00 PM local time. The Board shall establish a schedule of regular meetings for each calendar year by resolution. Special meetings of the Board may be held at the call of the Chairperson or by two other members of the Board.

SECTION 2. Notice to the members of the place, day, and hour of any meeting of the Board shall be served on each member of the Board at least 18 hours in advance of the time of the meeting. Service of notice may be made personally, by telephone, or by mailing such notice, postage prepaid, plainly addressed to the member at the member's current mailing address. However, notice by mail of a meeting of the Board may only be given if the mailing occurs at least 48 hours in advance of the meeting. In addition, with respect to the notices for all meetings of the Board, the Board shall comply with all requirements of Michigan Act 267 of 1976, as amended, the Michigan Open Meetings Act. All meetings of the Board shall be open to the public.

SECTION 3. At all meetings of the Board a majority of the members shall constitute a quorum for the transaction of business.

SECTION 4. For meetings of the Board and advisory committees, the rules of parliamentary practice as set forth in "Robert's Rules of Parliamentary Procedure" shall govern in all cases in which they are not inconsistent with these Rules of Procedure or the laws of the State of Michigan. The Chairperson of any Board meeting has the right and duty to regulate the proceedings of the meeting, including deciding questions of order, making public declaration of votes cast, granting authority to persons to speak at the meeting, silencing those who may be out of order or disrupting the meeting, and ordering any disorderly person out of the meeting.

SECTION 5. The recommended order of business for a regular Board meeting is the following:

- CALL TO ORDER
- ROLL CALL
- DESIGNATION OF ALTERNATES
- APPROVAL OF THE PREVIOUS MEETING MINUTES
- OLD BUSINESS
- NEW BUSINESS
- OTHER BUSINESS
- ADJOURNMENT

Although the above order of business is recommended, the Chairperson may, at the Chairperson's discretion but subject to approval of the Board, change the order of business to suit the requirements of the meetings.

SECTION 6. With respect to any item on the agenda for the Board's consideration, the Chairperson shall introduce the matter and read the notice of public hearing. The Chairperson shall announce that the rules for public hearings are posted at the entrance to the meeting room.

- A. The Chairperson shall then declare the public hearing open.
- B. The procedures and rules to be followed by all persons during a public hearing are as follows:

1. No person shall address the Board or otherwise question or comment upon any matter without first being recognized by the Chairperson.
  2. Once recognized by the Chairperson, each person shall give the person's name and address before addressing the Board or otherwise questioning or commenting upon any matter.
  3. The persons requesting the variance or authorization or reversal (the "applicants"), or their representatives, shall make their full presentation in support of their petition first, without interruption.
  4. Following the presentation on behalf of the applicants, Board members may direct any comments or questions they may have to the applicants.
  5. Any persons or groups, or their representatives, in opposition to the applicants may make their presentation next, without interruption.
  6. Following any presentation on behalf of opponents, Board members may direct any comments or questions they may have to such persons.
  7. Next, any comments or questions the applicants may have in response to any presentation by an opponent may then be made.
  8. Next, any other comments or questions any opponents may have of the applicants may be made.
  9. Finally, any other persons, whether in support of or in opposition to the applicants, or otherwise, may make their comments and ask their questions.
  10. The hearing is expected and intended to proceed in an orderly manner. Cooperation of all in attendance is anticipated and will be appreciated. People in attendance are invited to be heard on any application that they may be interested in, regardless of where they may live. All presentations, questions, comments and replies are to be directed to the Chairperson.
- C. The Chairperson shall then call upon the applicants, or their representatives, to make their presentation in support of their application.
- D. The Chairperson shall then call for any comments or questions Board members may have of the applicants.
- E. The Chairperson shall then call upon any persons or groups in opposition to the application to make their presentation.
- F. The Chairperson shall then call for any comments or questions Board members may have of the opponents.
- G. The Chairperson shall then call for any further response, comments or questions by the applicants.

- H. The Chairperson shall then call for any further response, comments or questions by the opponents.
- I. The Chairperson shall then call for any other comments or questions, whether in support of or in opposition to the application or otherwise.
- J. When all presentations, comments and questions have been made, and when there is no one else desiring to be heard, and when there are no further inquiries from Board Members, the Chairperson should state as follows:

“There being no further comment nor anyone else desiring to be heard, I will entertain a motion from the Board that the public hearing portion of this meeting be closed.”
- K. After a motion to close the public hearing carries, one of the following motions should be made and acted upon:
  - 1. Motion to take the matter under advisement for decision at a later date; or
  - 2. Motion to grant the variance, or the authorization required by the Zoning Ordinance, or to reverse the determination of the Zoning Administrator; or
  - 3. Motion to deny the variance, or the authorization required by the Zoning Ordinance, or to reverse the determination of the Zoning Administrator; or
  - 4. Any other motion as may be proper and appropriate.

SECTION 7. Although the basic agenda set forth above for the Board is a recommended agenda, the Chairperson may, at the Chairperson’s discretion but subject to approval of the Board, change the agenda to suit the requirements of the hearing. In particular, the Chairperson may, with the approval of the Board, require that a particular hearing be adjourned and continued to a time, place and certain date, after due and proper notice, because of the length or complexity of any such hearing, the need for additional information to be furnished, or for any other proper reason.

## **ARTICLE IV APPEALS AND PROCEDURES**

SECTION 1. Appeals to the Board shall be prepared on forms supplied by the Village. Any communication purporting to be an appeal shall be regarded as mere intent until the required form has been completed and filed with the Board. All appeals shall be filed within 30 days from the date the appellant is informed by the Zoning Administrator that the appellant’s application for a permit under the Zoning Ordinance has been denied. The completed form shall specify the grounds for the appeal. Upon receipt of a completed form, the Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

SECTION 2. An appeal to the Board stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board after the Notice of Appeal has been filed that, because of facts stated in the Zoning Administrator’s certificate, a stay would, in the Zoning Administrator’s opinion, cause imminent peril to life or property. In that latter case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown. Any decision of the Board shall be final, and any person having an interest affected by the Zoning Ordinance shall have the right to appeal to the Ottawa County

Circuit Court. Upon appeal the Court shall review the record and decision of the Board to insure that the decision:

- A. Complies with the Constitution and laws of the State;
- B. Is based upon proper procedure;
- C. Is supported by competent, material and substantial evidence; and
- D. Represents the reasonable exercise of discretion granted by law to the Board.

SECTION 3. The Board shall fix a reasonable time for the hearing of the appeal and shall give notice to the parties as required by law.

SECTION 4. All appeals shall be made by the property owner or the owner's authorized agent or attorney. The authority of an agent or attorney shall be in writing, and a copy shall be filed with the appeal. Any party appearing before the Board may appear in person or by or with the party's authorized agent or attorney.

## **ARTICLE V DISPOSITION OF APPEALS**

SECTION 1. The Board shall decide all appeals and all matters referred to it or upon which it is required to pass under the Zoning Ordinance within a reasonable time.

SECTION 2. Any person having filed an appeal or a zoning permit application which requires the approval of the Board may, with the consent of the Board, withdraw the appeal or application at any time prior to disposition. However, if a motion has been made for the disposition of the appeal or application, then the appeal or application may no longer be withdrawn.

SECTION 3. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass under the Zoning Ordinance, or to grant any variance from the Zoning Ordinance. The grounds of each determination by the Board shall be stated.

SECTION 4. If the decision of the Board grants authority for the applicant to construct, erect, modify, rebuild, reconstruct or do other work with respect to a building or structure, the applicant shall obtain the necessary building permit, commence construction and actively continue the construction within six (6) months from the action by the Board, unless more time is specifically granted by the Board. Each party presenting a matter to the Board shall be notified of the action of the Board as soon as practicable after the action is taken. Specifically, a copy of the decision describing the action taken by the Board shall be mailed or personally delivered to each party.

## **ARTICLE VI MISCELLANEOUS**

SECTION 1. All records of the Board shall be filed in the office of the Zoning Administrator and shall be public records.

SECTION 2. If a meeting of the Board is tape recorded, the tapes shall be retained for at least 30 days after the meeting or until the day after the next meeting of the Board, whichever is the last to occur, or any longer period required by law.

SECTION 3. These Rules of Procedure, in whole or in part, may be amended, added to or repealed upon the affirmative vote of a majority of the members of the Board at any regular or special meeting. Notice of the proposed alteration, amendment, addition or repeal must be sent by first-class mail or delivered in person to all members of the Board at least 15 days before the regular or special meeting of the Board at which it is to be considered.

SECTION 4. If any provision of these Rules of Procedure conflict with any Michigan law, the Michigan law shall control.