

ZONING BOARD OF APPEALS  
FOR THE CITY OF TROY

RULES OF PROCEDURE

ARTICLE I  
ORGANIZATION

1. The Board shall annually, at its regular meeting in the month of May, elect its own Chairperson and Vice-Chairperson to hold office for one year. The Zoning Administrator shall be the Clerk of the Board, provided that the Clerk may appoint other persons to make records of the meetings.
2. The Chairperson shall preside at all meetings of the Board. In the case of the absence of the Chairperson, the Vice-Chairperson shall preside. In the case of the absence of both the Chairperson and the Vice-Chairperson, the most senior Board member in terms of years of service on the Board, shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure.
3. The Clerk or his or her representative shall keep the minutes of the Board's proceedings, shall have custody of all records of the Board, shall sign all communications of the Board, shall supervise all clerical work of the Board and perform such other duties as may be requested by the Board.

ARTICLE II  
MEETINGS

1. All meetings held by the Board shall be open to the public.
2. Board meetings shall be held on the third Tuesday of each month at 7:30 P.M. except when such day falls on a legal holiday, in which event the Board may designate an alternate meeting date.
3. A resolution supported by the majority of the members present may temporarily suspend any rule of procedure or change the date and time of regular meetings.
4. Special meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson. Notice of the Special Meeting shall be given in a manner as required by the Open Meetings Act and the Zoning Administrator or his or her designee shall notify all members of the Zoning Board of Appeals not less than 24 hours in advance of a Special Meeting.
5. Four members of the Board shall constitute a quorum for conducting of its business. The concurring vote of four (4) members shall be necessary to decide upon appeals of administrative decisions, Zoning ordinance or Zoning Map interpretations, dimensional or other non use variances, and other matters upon which the Board is required to pass under the Zoning Ordinance.

6. Use variances shall require an affirmative vote of two thirds of the board (5 members) for approval.
7. In the event that a Board member is absent or is excused from voting on an item due to a perceived conflict of interest, one of the alternate Board members shall be temporarily seated at the call of the Chairperson.
8. Alternate members who serve and who participate in any agenda item shall continue to serve on the Zoning Board of Appeals for that item until a final decision is reached on the same.
9. The order of business at meetings shall be as follows:
  - a. Opening Statement/Procedure (attached)
  - b. Roll Call.
  - b. Approval of Minutes of Previous Meetings
  - c. Approval of Agenda
  - d. Hearing of Cases
  - e. Communications
  - f. Miscellaneous Business
  - g. Public Comment
  - h. Adjournment
10. Electronic meetings: Members of the public may address an electronic meeting in the following three ways:
  - a. Public comments may be submitted via email. Email received as provided by the rules will be read aloud during the meeting. Email comments may be limited to three minutes.
  - b. Public comments may be submitted via voicemail. Voicemail received as provided by the rules will be will be played during the meeting. Voicemail comments may be limited to three minutes.
  - c. Members of the public may attend the electronic meeting remotely and participate in a public comment period as provided by the rules. Comments may be limited to three minutes.

### ARTICLE III VARIANCES & APPEALS

1. All applications to the Zoning Board of Appeals shall be filed with the City. Application forms may be obtained from the Planning Department. A copy of each application shall be served upon the Planning Department, which shall transmit to the Board all information constituting the application.

2. In addition to the information required on the forms, each application shall contain the following information:
  - a. The order being appealed or the section of the zoning ordinance from which a variance is sought.
  - b. The reasons for appeal.
  - c. Plans drawn to approximate scale showing shape and dimensions of lots, existing buildings and buildings to be erected, altered or changed, and any other information with regard to the lot or neighboring lots, and the proposed or existing use, as deemed necessary by the Zoning Administrator.
  - d. A clear and accurate description of the proposed use, construction, or work.
  - e. Any other information necessary to clearly explain the nature of the request.
3. The applicant may appear on his or her own behalf or may be represented at the hearing by an attorney or authorized agent.
4. The Hearing Procedure for Use Variances is governed by Section 15.05 B.3 of the Zoning Ordinance. For all other appeals, the order of procedure of hearings shall be:
  - a. Calling of the Case by the Chairperson
  - b. City Staff introduction of the case.
  - c. Applicant's presentation of the case.
  - d. Open public hearing to interested persons.
  - e. Close public hearing
  - f. Applicant rebuttal or clarification of public comments
  - g. Board deliberation and motion and decision.
5. Time limits during public hearings: The Board may establish time limits for presentations to the Board in those cases where it is evident that a particular item is likely to involve public comments from several individuals.
6. The Board may require, of the applicant, additional information necessary to fully advise the Board.

#### ARTICLE IV DISPOSITION OF BOARD ACTION

1. The decision of the Board shall be in writing, and, so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts and findings of the

Board. The applicant shall be advised of the Board's decision by mail or e-mail, within a reasonable time after the hearing unless the Board moves for a continuation of the hearing, or unless the Board decides that, in its opinion, immediate notification is necessary.

2. The applicant may withdraw the appeal at any time prior to the final action by the Board.

## ARTICLE V MISCELLANEOUS

These rules of procedure are subject to and controlled by the Troy City Code and the Michigan statutes applicable to Zoning Boards of Appeal.

## ARTICLE VI AMENDMENTS

These rules of procedure may be amended at any regular meeting upon an affirmative vote of the majority of the entire membership of the Board provided that any amendment or modification is consistent with the applicable Troy City Code and Michigan statutes.

## ZONING BOARD OF APPEALS – OPENING STATEMENT

Zoning Board of Appeals is a group of seven of your neighbors appointed by City Council to decide on requests for variances and other matters that are brought before them. A variance is a relaxation of the literal provisions of the Zoning Ordinance. Petitioners must indicate a hardship or practical difficulty with the land that would warrant the granting of the variance.

## PROCEDURE

The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chairman will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

After the petitioner makes their presentation, and answers any questions that the Board may have, the Chairman will open the Public Hearing. Any person wishing to speak on the request should raise their hand and when recognized by the Chairman and come up to the podium. The speaker should identify themselves with name and address, indicate their relationship to the property in question (i.e. next door neighbor, live behind the property, etc.) and state whether they are in favor of or against the variance request and give reasons

for their opinion. Comments must be directed through the Chairman. Comments should be kept as brief as possible and closely pertain to the matter under consideration. Only one person will be recognized by the Chairman to speak at one time.

At the conclusion of public comments, the Chairman will close the Public Hearing. Once the Public Hearing is closed, no other public comment will be taken unless in response to a specific question by a member of the Board. The Board will then make a motion to approve, deny, or postpone the request. In order for the request to pass a minimum of four votes are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.