

# **Village of Vicksburg**

## **Zoning Board of Appeals By-Laws**

### **Article I: Name**

The name of this organization shall be the Village of Vicksburg Zoning Board of Appeals, hereinafter referred to as the Board.

### **Article II: Purpose**

The purpose of the Board shall be to provide a fair and impartial hearing to property owners seeking relief from the Village of Vicksburg Zoning Ordinance.

### **Article III: Membership**

1. Composition: The Board shall consist of seven (7) members, the members of the Village Council. The members will serve out their elected term.
  
2. Qualifications: Members shall be elected to the Village Council.
  
3. Vacancies: Vacancies on the Board shall be filled by appointment by the Village Council for the unexpired portion of the term.

### **Article IV: Officers**

1. Selection: At the Organizational meeting, the Appeals Board shall elect a chair and vice-chair who shall serve for the next twenty-four (24) months and who shall be eligible for re-elections. Vacancies in an office of the Appeals Board shall be filled at the next meeting of the Appeals Board. The membership shall elect one of its members to fill the vacancy until the next election.
  
2. Chairperson: The Board shall annually elect a Chairperson from among its members. The Chairperson shall preside over all meetings and hearings and shall have the authority to call special meetings.

3. Vice Chairperson: The Board shall annually elect a Vice Chairperson from among its members. The Vice Chairperson shall assume the duties of the Chairperson in their absence.

4. Secretary: The Village Clerk shall serve as the Secretary of the Board and shall be responsible for maintaining accurate records of all proceedings and decisions, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Appeals Board operations. In the event the Secretary is absent, the Chair or Acting Chair shall appoint a temporary Secretary for such meeting.

5. Tenure: The officers shall take office immediately following their election. They shall hold their tenure for a term of two years, or until their successors are elected and assume office.

## **Article V: Meetings**

1. Regular Meetings: Meeting shall be scheduled upon receipt of a complete application. The business which the Appeals Board may perform shall be conducted at a public meeting of the Appeals board held in compliance with the Michigan Zoning Enabling Act. Public notices of the time, date and place of the meeting shall be given in a manner as required by the Michigan Zoning Enabling Act.

2. Meeting Notice: Notice of all meetings shall be posted at Village Hall. The notice shall include the date, time and place of the meeting. Any changes in date or time of the meeting shall be posted and noticed in the same manner as originally established.

3. Special Meetings: Special meetings may be called by the Chairperson or by a majority of the members upon reasonable notice to all members. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall provide notice to members of the Appeal Board.

4. Quorum: A quorum shall consist of four (4) members of the Board. No action shall be taken without the presence of a quorum. If a quorum is not present members of the Appeals Board may discuss matters of interest, but shall take no action until the next meeting., All public hearings without a quorum shall be scheduled for the next meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

5. Voting: All decisions of the Board shall require a majority vote of members present and voting, except where a different requirement is specified by law or these bylaws. All members of the Appeals Board, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.

6. Order of Business: A written agenda for all regular meetings shall be prepared as follows:

- Call to Order
- Attendance
- Approval of Agenda
- Approval of Minutes
- Site Inspection
- Public Hearing

Action Items

    Action on Pending Case

    Other Business of the Appeals Board

Public Comments

Adjournment

7. Rules of Order: All meetings of the Appeals Board shall be conducted in accordance with generally accepted parliamentary procedure, as adopted by Village Council.

#### **Article VI: Powers and Duties**

1. The Board shall have the power to hear and decide appeals from administrative decisions, interpretations, and enforcement actions related to the Village of Vicksburg Zoning Ordinance.

2. Grant variances from the strict application of this chapter when, by reason of exceptional narrowness, shallowness, shape or topography of specific parcels of property at the time of the original enactment of this chapter or amendments, or where the strict application of this chapter or amendments would result in exceptional or undue hardship upon a property; provided, however, that such relief of variances can be granted without substantial impairment of the intent or purpose of this chapter. This subsection shall not be construed to permit the Board, under the guise of a variance, to change the uses of land.

3. Hear and decide appeals where it is alleged by appellants that there is error in any refusal of building, use or occupancy permit or in any other order, requirement, decision, or determination made by the Building Inspector, Zoning Enforcement Officer, or other Village employee when passing upon an application for a building or other permit, or by any other officer or body in the administration of this chapter.

4. The Board shall have the authority to adopt rules and regulations governing its procedures, subject to approval by the Village Council.

#### **Article VII: Limitation of Authority**

1. Nothing contained in this chapter shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this chapter and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law or any of the regulations of this chapter.

2. The Board shall not amend any portion of this chapter or the Zoning Map; nor shall such power or authority be vested in the Board.

3. A decision of the Board permitting the erection or alteration of a building or other use of land shall be valid for a period of six months, during which time a building permit for such erection or alteration must be obtained and the erection or alteration started.

4. No application for a variance or special land use which has been denied, wholly or in part, by the Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

#### **Article VIII: Appeals**

1. Any person aggrieved by a decision of the Board may appeal to the Circuit Court of Kalamazoo County, Michigan, pursuant to applicable state law.

#### **Article IX: Adoption**

These bylaws shall become effective upon adoption by a majority vote of the Board and approval by the Village Council.

#### **Article X: Severability**

If any provision of these bylaws is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.

#### **Article XI: Effective Date**

These bylaws shall take effect upon their adoption by the Board and approval by the Village Council.

Certification

We, the undersigned, certify that these bylaws were duly adopted by the Village of Vicksburg Zoning Board of Appeals at a meeting held on [date].