

ARTICLE 24 - ZONING BOARD OF APPEALS

§15-24-1 CREATION AND MEMBERSHIP

- A. A Zoning Board of Appeals is established to perform duties and exercise powers as provided in Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of seven members appointed by the City Council upon a recommendation from the Mayor. Six members shall be appointed at large and one from the City Council. The Council representative shall not serve as the chair of Board. All members shall be registered voters in the City of Whitehall. An employee or contractor of the City may not serve as a member of the Board. Membership shall be representative of the population distribution and of the various interests present within the City.
- B. The terms of office shall be for three years, except for the City Council representative whose terms shall coincide with their term on City Council. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- C. The City Council may remove of a member of the Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- D. Members shall disqualify themselves from a vote in which the member has a conflict of interest.

§15-24-2 POWERS AND DUTIES

The Board shall hear questions that arise in the administration of this ordinance, including the interpretation of the zoning map, and may adopt rules to govern its procedures. The Board shall also hear and decide on matters referred to the Board or upon which the Board is required to pass under this ordinance. It shall hear and decide appeals from and review any administrative order, requirement, or determination made by the administrative official.

§15-24-3 BYLAWS

- A. The Board shall elect from its membership a chairperson and vice-chairperson.
- B. The concurring vote of a majority of the members of the Board is necessary to reverse or affirm, in whole or in part, or modify an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Board is required to pass under this ordinance, or to grant a variance in the ordinance. A vote of 2/3 of the members of the Board is required to approve a use variance.

- C. Meetings of the Board shall be held at the call of the Zoning Administrator, Chairperson or at other times as the Board may specify. The Board shall not conduct business unless a majority of the members are present.
- D. Minutes shall be kept of each meeting. The Board shall record into the minutes all findings, conditions, facts, and other relevant factors, the vote of each member upon each question, or indicate if absent or failing to vote, and all official actions. All minutes shall be filed in the office of the City Clerk. The Zoning Administrator shall act as recording secretary to the Board.
- E. All meetings and records shall be open to the public.
- F. The Board may adjourn any meeting in order to obtain additional information or to cause further public notice as it deems necessary to be served upon other property owners. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing unless the Board so directs.
- G. The Board may call on any City department for assistance in the performance of its duties. It shall be the responsibility of those departments to render assistance as may reasonably be required.
- H. Parliamentary procedure during Board meetings shall be guided by Roberts Rules of Order.

§15-24-4

HEARINGS

- A. The Board shall fix a reasonable time and date for a public hearing, not to exceed 45 days from the date of filing an appeal with the City Clerk.
- B. The Clerk shall publish notice of the hearing in a newspaper of general circulation within the City not less than 15 days before the date of the hearing.
- C. Notice of the hearing shall be given to the owners of the property that is subject of the appeal, to all other property owners within 300 feet of the property that is subject of the appeal, and to at least one occupant of all structures and dwelling units within 300 feet regardless of whether the property, structure, or dwelling unit is in the City. Notice is considered given when personally delivered or deposited during normal business hours with the United States Postal Service or any other public or private delivery service. If an appeal does not involve a specific parcel of property, notice only needs to be published in a newspaper of general circulation.
- D. Notice shall describe the nature of the appeal, indicate the property that is subject of the appeal, state when and where the appeal will be considered, and indicate when and where written comments will be received concerning the appeal.
- E. Any party or parties may appear at the hearing in person, by agent, or