

# BOARD OF ZONING APPEALS RULES AND PROCEDURE

## TRAVERSE CITY BOARD OF ZONING APPEALS

(To Be Adopted September 8, 2015)

### **PURPOSE:**

These Board of Zoning Appeals Rules and Procedure are adopted pursuant to the Traverse City Code to acquaint the people of Traverse City and persons appearing before the Board with the operation of the Board so that matters coming before this body can be handled in an understanding, prompt and efficient manner.

### **RULES OF PROCEDURE.**

The Board of Zoning Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. These procedures shall include:

- (a) **Appeals Generally.** For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.
- (b) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator within twenty-one days after written notice is given of the action being appealed. The appeal shall be placed upon the Board's agenda in the second month immediately following the month in which the appeal is filed.
- (c) **Filing Fees.** The filing fee for appeals shall be established by resolution of the City Commission.
- (d) **Notices.** Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen days prior to the first meeting of the Board at which it will be formally considered.
- (e) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.
- (f) **Regular Meetings.** The Board's regular meeting date is the second Tuesday of each month at 7:00 p.m. If the regular meeting date falls on a holiday, or if the regular meeting date falls on a Tuesday immediately following a Monday holiday, the meeting date shall be moved to the next working day. Meetings shall be held in the Committee Room of the Governmental Center, unless otherwise indicated.
- (g) **Exceptions to Regular Meeting Dates.** If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and rescheduled to the next regularly scheduled meeting or to the earliest possible date determined by the Chairperson of the Board. If no requests have been received 21 days before the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrator.
- (h) **Application Contents.** In addition to all other requirements of statute and ordinance, applications shall be in a form determined by the Zoning Administrator and shall contain such information as the Zoning Administrator shall direct. Such applications shall also include the following:
  - (1) A site plan or site diagram reflecting accurate dimensions of the property, the

- location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrator, such drawing shall be a survey performed by a registered land surveyor.
- (2) The name, address and telephone number of the applicant and all authorized agents of the applicant.
  - (3) The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application.
  - (4) All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- (i) **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Before deliberating any appeal, the Chairman shall ask if any member has such a conflict.
  - (j) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.
  - (k) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.
  - (l) **Instructions.** The Zoning Administrator shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.
  - (m) **Other Rules.** The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with statute or ordinance.

I hereby certify that the above document was adopted by the Traverse City Board of Zoning Appeals at their September 8, 2015, Regular Meeting.



David Weston, Secretary  
Traverse City Board of Zoning Appeals