

**VILLAGE OF BALDWIN  
ZONING BOARD OF APPEALS**

**BYLAWS**

The following rules of procedure are hereby adopted by the Village of Baldwin Zoning Board of Appeals (ZBA) to facilitate the performance of its duties as outlined in Act 207 of 1921, as amended.

**1.0 OFFICERS**

- 1.1 Selection. At the regular meeting in April of each year, the Zoning Board of Appeals shall elect from among the appointed members a chairperson, vice chairperson, and secretary. All officers are eligible for re-election.
- 1.2 Tenure. The chairperson, vice chairperson, and secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- 1.3 Duties of Chairperson. The chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Zoning Board of Appeals.
- 1.4 Duties of Vice Chairperson. The vice chairperson shall act in the capacity of chairperson in the absence of the chairperson. In the event the office of the chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the Zoning Board of Appeals shall select a successor to the office of vice chairperson for the unexpired term.
- 1.5 Duties of Secretary. The secretary shall execute documents in the name of the Zoning Board of Appeals, perform the duties hereinafter listed, and shall perform such other duties as the Zoning Board of Appeals may determine.
- A. Minutes. The secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes.
- B. Communications. All communications, petitions, and reports shall be addressed to the Zoning Board of Appeals and delivered or mailed to the secretary.

**2.0 MEETINGS**

- 2.1 Regular Meetings. Meetings of the Zoning Board of Appeals will be held the second Monday of each month at 6:30 p.m. When the regular meeting day falls on a legal holiday, the Zoning Board of Appeals shall select a suitable alternate date in the same month.
- 2.2 Special Meetings. Special meetings shall be called at the request of the chairperson, or at the written request (to the secretary) of any two members of the Zoning Board of Appeals. Notice of special meetings shall be given by the secretary to the members of the Zoning Board of Appeals at least 18 hours prior to such meeting and shall state the purpose and the time of the meeting.
- 2.3 Public Meetings. All regular and special meetings, hearings, records, and accounts shall be open to the public, except as may be allowed by the Open Meetings Act. Any person,

who wishes to record during a meeting using video or tape equipment, shall be recognized by the chairperson before doing so. Such recognition shall be recorded in the official minutes of the meeting.

- 2.4 Quorum. A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan. The affirmative vote of two-thirds of all members shall be necessary for the adoption of a comprehensive plan or any part of a master plan.

Whenever a quorum is not present at a regular or special meeting, those present must adjourn the meeting to another day. No action shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present by approval of the minutes of the meeting at which at a quorum was not present.

- 2.5 Order of Business. The Chairperson shall prepare an agenda for each meeting, and the order of business therein shall be as follows:

A. Call to Order:

1. Roll call.
2. Approval of agenda.
3. Approval of minutes.

B. Advertised Public Hearings. The chairperson will declare such a public hearing open, and state its purpose.

1. The petitioner, or proponent of the action advertised, will be heard first.
2. A representative of the township, knowledgeable of the action advertised will be heard second.
3. Citizens requested by the Zoning Board of Appeals to attend the meeting for discussion of a local problem, or presentation of further information on an issue previously considered, may then speak.
4. Written communications will be entered into the public record. The writers or their representatives who are present in the audience may give additional information or explanation to the written statements.
5. Board members may question any of those present and may discuss matters among themselves at the discretion of the chair.
6. Citizens seeking information or desiring to present matters for the next meeting's agenda will be heard.

C. Business Sessions. When the Zoning Board of Appeals makes formal decisions:

1. Unfinished business.
2. Consideration of matters heard under other communications.
3. Reports.
4. New business.
5. Call to the public; time for citizens to be heard.
6. Adjournment.

- 2.6 Special Meetings. The chairperson may designate special meetings for the exclusive purpose of discussing long-range portions of the comprehensive plan.

- 2.7 Motions. The chairperson shall restate motions before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- 2.8 Voting. Voting shall be by voice and shall be recorded by yeas and nays. Board members should state their reasons for casting their vote. The secretary shall record roll call votes.
- 2.9 Commission Action. Action by the Zoning Board of Appeals on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- 2.10 Tabled Items. A date must be established for the continuation of tabled items at the time the motion is made to table. An agenda item may be tabled only twice.
- 2.10 Parliamentary Procedure. Parliamentary procedure in Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order, except where state statute or local ordinance direct otherwise.

### **3.0 HEARINGS**

- 3.1 Required Public Hearings. The Zoning Board of Appeals shall hold a public hearing on all matters requiring such action as specified by local or state statute including but not limited to P.A. 168 of 1959, or P.A. 184 of 1943. Notice of the time and place of the hearing shall be given not less than 15 days prior to such hearing by 1 publication in a newspaper of general circulation and by registered mail to each public utility company and each railroad company owning or operating any public utility or railroad within the geographical sections or divisions of the municipality affected. Special notice will be given by mail to interested parties, including owners of property within 300 feet of the boundaries of the premises under consideration for rezoning or special land use.
- 3.2 Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons or group representatives most interested.
- 3.3 Notice of Decision. A written notice containing the decision of the Zoning Board of Appeals will be sent to petitioners and originators of a request for the Zoning Board of Appeals to study a special problem.

### **4.0 MATTERS TO BE CONSIDERED BY THE ZONING BOARD OF APPEALS**

- 4.1 The following matters shall be presented for consideration at a meeting of the Zoning Board of Appeals:
  - A. Such other matters as the Zoning Board of Appeals shall find advisable or essential.
  - B. Other matters referred to the Zoning Board of Appeals by the Township Board.

### **5.0 ZONING BOARD OF APPEALS STAFF**

- 5.1 Authorization. The Zoning Board of Appeals may utilize Township staff persons as the Township Board authorizes, to assist in minute taking, or in advising the ZBA on actions that come before the board.

**6.0 AMENDMENTS**

6.1 These rules may be amended at any regular or special meeting by a two-thirds vote of the members present.

ADOPTED:

, 2005

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, Secretary  
Village of Baldwin Zoning Board of Appeals