

**City of Tawas City  
Zoning Board of Appeals  
Rules of Procedures and Policies**

**ARTICLE 1 – Name**

The name of the Board shall be the Zoning Board of Appeals of the City of Tawas City, Michigan, hereinafter referred to as “ZBA.”

**ARTICLE 2 – Objectives**

The objectives, purposes, powers, and duties of the ZBA are those set forth by Section 6.10 of the City Charter, the City Zoning Ordinance, and all subsequent amendments thereto, and pursuant to Public Act 110 of 2006, as amended.

**ARTICLE 3 – Membership, Officers, and Their Duties**

1. Membership of the ZBA shall consist of five (5) members who include one (1) member of the City Council, one (1) member of the Planning Commission, and three (3) electors of the City who are appointed by the Mayor with the approval of the City Council. No Elected Officer or employee of the City, other than the appointed Council Member, is eligible to be a member of the ZBA. The Officers shall be a Chair, a Vice Chair, and a Secretary.
2. The Chair shall preside at all meetings and hearings of the ZBA.
3. The Vice Chair shall preside and exercise all the duties of the Chair in his/her absence. Should neither the Chair nor the Vice Chair be present at a meeting, the meeting shall be called to order by the ZBA Secretary and a temporary Chair shall be elected by the majority vote of the members present.
4. The Chair and/or the City Manager shall sign all legal documents for the ZBA, unless otherwise required.

**ARTICLE 4 – Election of Officers**

1. Nominations of officers shall be made each year.
2. A member receiving a majority vote of the entire ZBA shall be declared elected and shall serve a term of one (1) year or until his/her successor shall take the office.
3. Vacancies in office shall be filled by the ZBA in a timely factor.

**ARTICLE 5 – Meetings**

1. All meetings, hearings, and records shall be open to the public. Meetings shall be conducted in accordance with the Open Meetings Act of the State of Michigan.
2. The meetings of the ZBA are to be held as needed.
3. The meetings of the ZBA will be scheduled as needed by the City Clerk or Deputy Clerk. Each member of the Commission must receive at least two (2) days of notice as to the time, place, and purpose of the meeting.
4. All inquiries, applications, or matters requiring official action by the ZBA shall be submitted in writing to the Zoning Administrator; be properly drafted on official forms

necessary and contain all relevant information regarding the matter upon which the ZBA is requested to act. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the Zoning Administrator.

5. The normal order of business at meetings shall be as follows:
  - a. Call to Order
  - b. Roll Call
  - c. Approval of Agenda
  - d. Approval of Minutes
  - e. Public Hearings
  - f. Public Comments on Agenda Items
  - g. Unfinished Business
  - h. New Business
  - i. Public Comments on Non-Agenda Items
  - j. Adjournment
6. A quorum shall consist of a majority of the current ZBA members.
7. All proceedings, decisions, and resolutions of the ZBA shall be initiated by motion.
8. An affirmative vote of a majority of those present shall be necessary to pass any motion.
9. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Board, in which case the Chair shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote.
10. Roberts Rules of Order, as amended, shall govern parliamentary procedure in ZBA meetings. The City Clerk or Deputy Clerk shall act as parliamentarian during ZBA meetings.
11. Public comments are limited to three (3) minutes per person.

#### ARTICLE 6 – Procedures

1. Applications may be made by the owner or by parties who have substantial interest and rights in the premises affected, provided the owner consents to the request. The applicant may appear on their own behalf or may be represented by an attorney, contractor, or agent at the hearing.
2. Applications and all required supporting documentation are to be submitted to the Zoning Administrator. Failure to submit a complete or adequate application and/or any required component of the application will result in the application being withdrawn from consideration.
3. The usual order of procedure of a public hearing shall be:
  - a. Chair states the name and the nature of the application and explains the public hearing procedure.
  - b. Chair directs that all persons present in connection therewith identify themselves by name and address and present their case.
  - c. Motion to open the public hearing with rollcall vote.
  - d. The public in favor of or opposed to the proposed change are heard.
  - e. Motion to close the public hearing with rollcall vote.
  - f. City Zoning Administrator presents the official records of the application.
  - g. City Manager or their designee presents staff recommendations.

- h. Board members asks questions of staff.
- i. Discussion by board members.
- j. Motion and decision by board members.

#### ARTICLE 7 – Disposition

The decision of the ZBA shall take effect after the meeting minutes are approved. The applicant will be advised of the decision in writing within five (5) working days of the approved minutes of the hearing and decision.

#### ARTICLE 8 – Commission Absences

In order to maintain maximum participation of all appointed ZBA members at all scheduled meetings of the ZBA, the following attendance guide and members replacement policy for “excused” or “unexcused” absences should be implemented:

1. When appointed, each member should state their willingness and intention to attend each scheduled meeting of the ZBA.
2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit a member from attending a scheduled meeting, the City Clerk should be notified as early as possible of the inability to attend the scheduled meeting. The ZBA member, upon this notification, will receive an “excused absence” for the involved scheduled meeting.
3. There will be a limit of three (3) consecutive excused “absences” or two (2) consecutive “unexcused absences” for any member of the ZBA. If any member meets the above criteria for consecutive yearly scheduled meetings, the member will be canvassed and be considered for automatic appointment nullification.
4. The “appointment nullification” action as required will be initiated by the ZBA and City Manager and forwarded on to the City Council for official action.

#### ARTICLE 9 – Miscellaneous

1. These Rules of Procedures and Policies may be amended or altered during any meeting by the affirmative vote of a least three (3) members, or a majority of those on the current roster of the ZBA.
2. The provisions of these Rules of Procedures and Policies shall be discussed and/or adopted or readopted by the ZBA.

Moved by Leet, seconded by Russo, CARRIED, to adopt the City of Tawas City Zoning Board of Appeals Rules of Procedures and Policies as presented on December 6, 2022.

YES: Russo, Doak, and Leet  
NO: None  
ABSENT: None

  
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Nicole Jakobi, Deputy Clerk