

CITY OF PONTIAC
BOARD OF ZONING APPEALS

RULES OF PROCEDURE

ARTICLE I

Authority

In accordance with Act 207, P. A. 1921, as amended, and in accordance with Section 13.4 of Article XIII entitled "Board of Appeals" of Ordinance No. 944 entitled "City of Pontiac Zoning Ordinance", "The Board shall adopt rules of procedure."

ARTICLE II

Organization

1. The Board shall annually, on the first regular meeting of the year, elect its own Chairman and Vice-Chairman, to hold office for one year. The Inspection Services Division Administrator shall be the secretary of the Board, provided that the Inspection Services Division may, from time to time, appoint other persons to make records of the meetings.
2. The Chairman shall preside at all meetings of the Board. In case of the absence of the Chairman, the Vice-Chairman shall preside. In the case of the absence of both the Chairman and Vice-Chairman, the immediate past Chairman shall preside, and so on in reverse succession of past Chairpersons. If no past Chairperson is present, the most senior Board member shall preside. The presiding officer, subject to these rules, and Roberts Rules of Order, shall decide all points of order or procedure.
3. The Inspection Services Division Administrator, or his appointees, shall keep the minutes of the Board's proceedings; shall have custody of all records of the Board; shall sign all extra-official communications of the Board, shall supervise all clerical work of the Board and perform such other further duties as may be requested by the Board.

ARTICLE III

Meetings

1. All Board meetings shall be open to the public.
2. Board meetings shall be held, upon submission of application for variance to the Secretary of the Board of Appeals, on the first Monday of the month at 7:30 p. m. at the City Hall. If the first Monday of the month shall fall on a Holiday, the meeting date shall be moved to the second Monday of the month upon notification of the Secretary of the Board.
3. Three (3) consecutive unexcused absences of any member of the Board shall be good cause to recommend to the City Commission that the Board member be removed from office for neglect of duty. The reason for the member's absence from an official meeting of the Board shall be submitted

to the Secretary of the Board of Appeals, who shall submit the same to the Board for their consideration in excusing, or not excusing, the absence of the Board member.

4. A resolution supported by two-thirds of the members may temporarily suspend any rules of procedure or change the date or time of meetings as set forth in paragraph 2.
5. A special meeting may be called by the Chairman or upon request of three members, provided, twenty-four hours notice has been given to each member of the Board.
6. The order of business at Board meetings shall be as follows:
 1. Call to Order
 2. Roll Call
 3. Approval of minutes of previous meetings
 4. Communications
 5. Hearing of cases
 6. Miscellaneous business
 7. Adjournment

ARTICLE IV

Appeals

1. All applications to the Board of Appeals shall constitute a sworn affidavit on forms provided for that purpose and adopted by the Board. Forms may be secured at the office of the Inspection Services Division. One copy of such application shall be served upon the administrative official from whom the appeal is taken, and such official shall transmit to the Board all papers constituting the record upon which the action of appeal was taken.
2. In addition to the information required in said forms, all appeals shall contain the following information and data that is applicable thereto:
 - a. The principal points on which the appeal is made based on the decision, order or Section of Ordinance appealed from.
 - b. Plans drawn to scale showing shape and dimension of lots, buildings, and lines of proposed building to be erected, altered, or use changes. Such other information with regard to lot or neighboring lots, proposed use, existing use, as may be deemed necessary.
 - c. A clear and accurate description of the proposed use or work.
 - d. The principal points upon which the appeal is made.
 - e. In cases requested by the Board, the names and addresses of abutting property owners or owners of record of property directly affected.

3. Every appeal shall be taken by the applicant within 60 days of the date of order, refusal of permit, requirement, or determination of such department from which the appeal is taken, provided, the Board may in exceptional cases for good reason grant additional time.
4. Applications of appeals for interpretation, adjustment, special exception, or modification of the requirements of the Zoning Ordinance shall be made by the deed holder or land contract purchaser.

Such applicant may appear in his own behalf or may be represented by attorney or agent at the hearings.

5. The order of procedure of hearings shall be:
 - a. Presentation of official records of the case by the Secretary of the Board.
 - b. Applicant's presentation of his case.
 - c. Interested property owner's presentation of the case.
 - d. City Official's presentation of the case.
 - e. Rebuttals in similar order.
6. An applicant shall be given notice of date of hearing not less than ten (10) days before such hearing, unless applicant shall waive such notice.
7. The Inspection Services Division Administrator may require of the applicant such additional information and data as is deemed essential to fully advise the Board with reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the application by the Board.
8. No hearing on an appeal shall be held where a previous case involving the same premises, facts, and parts of the Zoning Ordinance, in the opinion of the Board, had been decided.
9. An appeal stays all proceedings in furtherance of the action appealed from subject to the conditions enumerated in the State Statutes.

ARTICLE V

Rehearing

1. No re-hearing of any decision of the Board will be considered unless new evidence is submitted which would not reasonably have been presented at the meeting or unless there has been a material change in the facts of the case.
2. Application for re-hearing of a case shall be in writing and subject to the same rules as an original hearing.

Revised December 8, 1983

ARTICLE VI

Disposition of Appeal

1. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made and to that end shall have all the powers of the officer from whom the appeal is taken.
2. The final decision shall be in writing, in the form of a general statement or resolution reciting findings of the Board. The applicant shall be advised of the decision by mail within five (5) days of the hearing unless the Board moves for a continuation of such hearing.
3. Any applicant may with the consent of the Board, withdraw his application at any time prior to final action thereon.
4. Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the resolution was based are maintained.
5. Whenever any variation or modification of the strict application of the terms of the Zoning Ordinance is authorized by resolution of the Board, a building permit shall be obtained within six (6) months from the date of this grant or failure to obtain such permit within six (6) months shall invalidate and terminate this grant.

ARTICLE VII

Amendments

These rules of procedure may be amended at any regular meeting upon an affirmative vote of 2/3 of the members.

Last revised December 8, 1983
