

BOARD OF ZONING APPEALS
OF THE CITY OF OAK PARK, MICHIGAN
RULES OF PROCEDURE

ARTICLE I

Organization

- A. 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 City Clerk shall be the clerk of the board; provided that the City Clerk may from time to time appoint other persons to make records of the meetings.
- B. The Chairman shall preside at all meetings of the Board. In case of the absence of the Chairman, the Vice-Chairman shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure.
- C. The Clerk or her 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 II

Meetings

- A. All board hearings shall be open to the public.
- B. Board meetings shall be held on the 4th Tuesday of each month at 7:30 P.M. except when such day falls on a legal holiday, then on the next succeeding regular day.
- C. A resolution supported by two-thirds of the members may temporarily suspend any rule of procedure or change the date or time of regular meetings as set forth in paragraph (B).
- D. 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.
- E. Four members of the Board shall constitute a quorum for the conducting of its business. The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of any administrative official. Or to decide any matter upon which the Board is required to pass by law, or to effect any variation in the Zoning ordinance, provided that a smaller number may adjourn any meeting to another date.
- F. The order of business at Board meetings shall be as follows:
 - a. Roll Call
 - b. Approval of minutes of previous meetings
 - c. Communications
 - d. Hearing of Cases
 - e. Miscellaneous business
 - f. Adjournment

ARTICLE III

Appeals

- A. All applications to the Zoning Board of Appeals shall be made in triplicate and in writing on forms provided for that purpose and adopted by the Board, or any form satisfactory to the Board. Forms may be secured at the office of the City Clerk. 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.
- B. In addition to the information required in said forms , all appeals shall contain the following information and data that is applicable thereto;
 - a. The principle points on which the appeal is made based on the decision, order or Section of Ordinance appeal from.
 - b. Three sets of plans drawn to scale showing shape and dimensions of lots, buildings and lines of proposed building to be erected, altered or use changed. 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 principle points upon which the appeal is made.
 - e. In cases requested by the Board, the names and addresses of abutting property owner or owners or record of property directly affected.
- C. Every appeal shall be taken by the applicant within thirty 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 times.
- D. Applications of appeals for variance, modification or adjustment of the requirements of the Zoning Ordinance shall be made in the name of the owner, or in the discretion of the board, by persons having substantial interests or rights in the premises affected. Such application may appear in his own behalf or may be represented by attorney or agent at the hearings.
- E. 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
- F. An applicant shall be given notice of date of hearing not less than three days before such hearing, unless applicant shall waive such notice.
- G. The Clerk 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 ground for dismissal of the application by the Board.
- H. 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, has been decided.
- I. An appeal stays all proceedings in furtherance of the action appeals from subject to the conditions enumerated in the State Statutes.

ARTICLE IV

Re-Hearings

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

ARTICLE V

Disposition of an Appeal

- A. 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.
- B. The final decision shall be in writing, and so far as it is practice able, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision by mail within seven days of the hearing unless the Board moves or a continuation of such hearing.
- C. Any applicant may, with the consent of the Board, withdraw his application at any time prior to final action thereon.
- D. 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.
- E. 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 months from the date of this grant or failure to obtain such permit within six months shall invalidate and terminate this grant.

ARTICLE VI

Amendments

These Rules of Procedure may be amended at any regular meeting upon an affirmative vote of four members.