

COMSTOCK TOWNSHIP ZONING BOARD OF APPEALS
BYLAWS
Adopted July 27, 2021

The following Bylaws are hereby adopted by the Comstock Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Zoning Enabling Act, Public Act 110 of 2006.

SECTION 1: Officers

- A. Selection and Tenure.** At the first regular meeting each year, the Zoning Board of Appeals shall select from its membership a Chair and a Vice Chair. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office. An ex officio member of the Zoning Board of Appeals is not eligible to serve as Chair.
- B. Chair.** The Chair shall preside at all meetings, appoint committees and liaisons to other groups with concurrence from the Commission, authorize calls for special meetings and perform such other duties as may be specified by the Zoning Board of Appeals.
- C. Vice Chair.** The Vice Chair shall act in the capacity of the Chair in his/her absence. In the event the office of Chair becomes vacant, the Vice Chair shall succeed to this office for the unexpired term, and the Zoning Board of Appeals shall select a successor to the office of Vice Chair for the unexpired term.

SECTION 2: Membership

- A. Regular Members.** The Zoning Board of Appeals is composed of five regular members with one member being a Liaison from the Planning Commission. One of the members may be a Township Board member (ex officio).
- B. Alternate Members.** There may be one or two alternate members one of which may be a Township Board member (ex officio) if there is not a regular member from the Township Board. Alternate members may participate in the discussion on all matters before the Zoning Board of Appeals.

An Alternate member will be called upon to serve as a regular member for the purpose of reaching a decision on an application in which a regular member has abstained for reasons of conflict of interest or if a regular member is absent. The alternate member shall serve on the application until a final decision is made.

SECTION 3: Meetings

- A. Regular Meetings.** The Zoning Board of Appeals shall meet as agenda items warrant and shall annually adopt a schedule identifying the time and place of such meetings. Other meetings may be held as necessary. Regular meetings may be cancelled by the Planning & Zoning Administrator when there is insufficient new or pending business to warrant such meeting.

The Zoning Board of Appeals meeting schedule shall be posted at the township hall or on the webpage within 10 days after the Zoning Board of Appeals' first meeting in each calendar year in accordance with the Open Meetings Act.

- B. Special Meetings.** Special meetings may be called by the Chair or upon request of the Planning & Zoning Administrator when an application has been received that cannot wait until the next regularly scheduled meeting and the applicant has paid the appropriate fee.

Written, verbal or electronic notice of special meetings shall be given to the members of the Zoning Board of Appeals at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Open Meetings Act.** Business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act.

- D. Public Records.** All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

- E. Quorum.** Three members of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act. No other action shall be taken at a meeting at which a quorum is not present.

- F. Voting and Decisions.** An affirmative vote of three members of the Zoning Board of Appeals is required to approve any action or motion placed before the Zoning Board of Appeals. Voting shall be by voice vote; a roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chair. Except in the case of a conflict of interest, all Zoning Board of Appeals regular members and any alternate serving in the place of a regular member, including the Chair, shall vote on all matters.

- G. Public Comment.** Under the Public Comment portion of the agenda, the following rules shall apply:

1. The Public shall be invited to address the Zoning Board of Appeals on both agenda and non-agenda items.
2. The Chair will open Public Comment and ask those wishing to speak to address the Zoning Board of Appeals to approach the podium* before speaking and to provide name and address.

3. Comments made in this portion of the meeting are limited to 5 minutes per individual.

H. Procedure for Considering Applications. As the Zoning Board of Appeals considers applications, the following process shall be followed for each request:

1. Chair will generally introduce the request from language on the agenda.
2. Staff will present the Staff Report.
3. Zoning Board of Appeals members will ask questions of Staff and the Attorney, if any.
4. Chair will direct the Applicant to approach the podium* and present comments.
5. Zoning Board of Appeals members will ask questions of the Applicant, if any. Questions from members will be directed to the Applicant once the member is recognized by the Chair.
6. Public Comment will be opened, the Chair will ask those wishing to speak to the agenda item to approach the podium* before speaking and to provide name and address.
7. Public Comments will be directed to the Zoning Board of Appeals. This is a time for members of the public to make comments, not engage the Applicant or Zoning Board of Appeals members in a conversation.
8. Public comments made in this portion of the meeting are limited to 10 minutes per individual addressing the Zoning Board of Appeals. Each speaker may address the Zoning Board of Appeals one time.
9. Public Comment will be closed.
10. Board members will deliberate on the request. The Chair shall call on each Zoning Board of Appeals member individually to comment on the request.
11. A motion will be offered and if supported, discussion held on the motion amongst Board members seeking counsel from Staff or the Attorney as necessary.
12. A vote on the motion is taken.

* The requirement to approach the podium may be waived by the Chair.

SECTION 4: Conflict of Interest

A. Zoning Board of Appeals members shall declare a potential conflict of interest and abstain from participating in Zoning Board of Appeals deliberations and voting on a request when:

1. The request for which the Zoning Board of Appeals member is asked to make a decision involves his/her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, parents-in-law, grandparents-in-law or members of his/her household;
2. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

3. The Zoning Board of Appeals member owns or has a financial interest in the neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance; or
 4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Zoning Board of Appeals present.
- B.** The meeting minutes will reflect the abstention.
- C.** Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

SECTION 5: Amendments

These bylaws may be amended at any meeting by an affirmative vote of three members of the Zoning Board of Appeals.