

Village of Kingsley
ZONING BOARD OF APPEALS
Rules of Procedure

Section 1.0 Purpose

The following Rules of Procedure are hereby adopted by the Village of Kingsley Zoning Board of Appeals to facilitate the performance of its duties as outlined in Zoning Ordinance.

Section 2.0 Membership

Membership shall consist of up to 5 members, and up to 2 alternates, appointed by the Village Council per Public Act 110 of 2006, as amended.

Section 3.0 Officers

3.1 Duties: The chairperson shall preside at all meetings, and perform such other duties as may be ordered by the appeals board.

3.4 Duties: The vice chairperson shall act in the capacity of the chairperson in his/her absence, and in the event the office of the chairperson becomes vacant, the vice chairperson shall succeed to this office.

3.5 Duties: The secretary shall maintain the record of activities of the appeals board including minutes and action of appeals. This function may be performed by a recording secretary appointed by the Village Council.

3.6 Quorum: A simple majority of the current Zoning Board of Appeals will constitute a quorum.

Section 4.0 Notice of Appeal

4.1 Filing: An appeal concerning the administration of the provisions of this ordinance may be taken within thirty (30) days of the decision of the zoning administrator or the planning commission from which the appellant seeks relief.

The Appeals Board may also interpret the location of zoning district boundaries, and the provisions of this Ordinance and have the authority to classify in which district unclassified uses should be located.

The Appeals Board may hear appeals made by any person who alleges that he or she has been aggrieved by a decision of the zoning administrator, other than a decision to take enforcement action under this ordinance, and by a decision of the planning commission.

An appeal may be made by any person, firm or corporation, or any officer, department or agency of the Village. The appellant shall file with the Appeals Board, on a form provided by the zoning administrator, a notice of appeal specifying the grounds for the appeal.

Standing: The Chairman shall review the material submitted and make a determination that the appellant is aggrieved and has standing to appeal. Legal counsel may be consulted if necessary to make such a determination, with the legal costs to be paid by the appellant in addition to the appeals fees established by the Village Council.

The zoning administrator shall transmit to the ZBA all the papers that consist of the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.

Any person may appear and testify at the hearing either in person or by a duly authorized agent or attorney.

4.2 Deadline for Action: The Appeals Board shall hear the case and render and file its decision, with a statement of reasons for the decision not more than thirty (30) days after receipt of the case, unless a longer period of time is mutually agreed upon by the petitioner and the Appeals Board.

4.3 Order of Business: Agenda

- a. Call to Order – recitation of the Pledge of Allegiance to the Flag
- b. Roll Call
- c. Site Inspection (optional)
- d. Call for conflicts
- e. Approval of Agenda
- f. Approval of previous minutes (if any)
- g. Public comment on items not on the agenda
- h. Public Hearing:
 1. The Chairman references the case number, declares the public hearing open, and states its purpose.
 2. The Chairman explains the procedure for public hearings or provides copies of the Rules of Procedure for members of the public.
 3. The Zoning Administrator presents the petitioner's request, his/her action on the matter, and reasons for the decision.
 4. The petitioner, his agent or attorney may present the case including presenting witnesses on his/her behalf. No time limit shall be imposed on the petitioner.
 5. Members of the Appeals Board shall report on their site inspection (if held) and any conversations with the petitioner.
 6. Members of the public in support of the petitioner may speak and any supporting correspondence is read. The Chairman may encourage one person to speak on behalf of a group if a large number of people are present on the issue. A time limit may be imposed for each speaker of five (5) minutes.
 7. Members of the public who oppose the petitioner then speak and any opposition correspondence is read. The Chairman may again encourage one person to speak for a group. A time limit may be imposed as in 6, above.
 8. Rebuttal. Anyone may ask the Chairman questions of presentations or speeches given at the hearing. The chairman will seek an answer to each question. Answers will be given by the Chairman. No discussion, questioning or answering shall take place between any two or more people, except between the Chairman and the individual who has the floor.

9. The Chairmen announces the public hearing closed and all public participation ends

i. Business Session:

1. Action on case number.
2. Discussion: Review of the facts based on all information presented. Discussion continues until a member is confident enough to propose a motion that includes "Findings of Fact" and/or "conclusions" and a rational explaining why conclusions are reached and "conditions", if any.
3. Motion is proposed on a "Finding of Facts".
4. Discussion on the motion.
5. Action on the motion.

j. Other Business

k. Public Input

l. Adjournment

4.4 Recesses: The Chairman may recess a public hearing and/or meeting to another time if it is later than 11:00 pm or the meeting has been over three (3) hours. In order for a recess to be in order, the time, date and location to convene shall be stated as part of the motion to recess. A reconvened meeting shall follow the requirements of posting of the Open Meetings Act.

4.5 Site Inspection: If deemed necessary by the Chairman, a site inspection may be conducted. The site inspection shall be posted as part of the public hearing. A quorum of the Appeals Board shall not make site inspections or otherwise discuss a notice of appeal, except during open meetings of the Appeals Board. Nothing in this paragraph shall prevent members of the Appeals Board from individually and separately visiting a site in question.

4.6 Voting: Voting shall be by roll call vote and shall be recorded by yeas and nays. A motion to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of or against the applicant, or to effect a variance shall be by majority vote of the members of the Appeals Board.

4.7 Notice of Decision: The Secretary, or his or her designee, shall cause to have notices of the Appeals Board decision delivered in person or by first class mail to the petitioner, or his or her agent, to the zoning administrator and any other person requesting a copy in writing.

4.8 Denial and Re-submittal: No application for a variance which has been denied wholly or in part by the Appeals Board shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or when the Village Attorney certifies in writing that a mistake in the original procedure of the original hearing has been made.

5.0 Records

5.1 Preparation: A record of each meeting, including hearings and site inspections shall be prepared by the Secretary or his or her designee.

5.2 Content: The record of each meeting shall include the following items:


- a. A copy of the meeting posting.

- b. The original approved minutes.
- c. Copies of any correspondence received or sent out regarding the case.
- d. A copy of any follow-up correspondence to or from the petitioner.

6.0 Adoption: Upon adoption of these Rules of Procedure, they shall become effective immediately and all previous Rules of Procedure shall be repealed.

7.0 Amendments: These Rules of Procedure may be amended at any meeting by a majority vote of the total membership of the Appeals Board and presented to the Village Council for approval.

Adopted date FEBRUARY 27, 2023

President: 

Clerk: 