Article I – Name

The name of this Board shall be the Charter Township of Orion Zoning Board of Appeals (hereinafter ZBA).

Article II – Purpose

The general purpose of the ZBA shall be to build and promote the efficient and coordinated development of the Township through interpretation of zoning regulations, granting variances and substantial justice to petitioners in a manner which will best promote the health, safety, and general welfare of its people.

Article III - Creation and Duties

Section A. The ZBA was created pursuant to the Township Zoning Ordinance as adopted by the Charter Township of Orion Board of Trustees on July 5, 1984, as authorized by Act 184, Michigan Public Acts of 1943, as amended.

Section B. The ZBA shall consist of five (5) members represented by, insofar as it is possible, different professions and occupations who shall be appointed in the following manner:

2. One member of the Township Board appointed by the Township Board for the period of his/her term of office as a member of the Township Board. That member shall not serve as Chairperson of the ZBA.
3. Three (3) additional members selected and appointed by the Township Board for a period of three (3) years from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.

Section C. The Township Board may appoint two (2) alternate members of the ZBA for a three (3) year term. An alternate member shall sit as a regular member of the ZBA when:

1. A regular member is absent from or unable to attend a meeting of the ZBA, or
2. A regular member is unable to participate in reaching a decision on a particular case because of a conflict of interest.

Article IV - Officers

Section A. The ZBA shall have a Chairperson, Vice Chairperson, and Secretary.
Article IV – Officers (continued)

Section B. The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary with the ZBA’s approval, and perform such duties as may be delegated by the ZBA. He/she shall have a vote on all resolutions and motions of the ZBA.

Section C. The Vice Chairperson shall preside in the absence of the Chairperson.

Section D. The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc. brought before the ZBA. Such duties may be performed by an employed recording secretary for the ZBA.

Section E. The ZBA may create and fill such other offices or committees as it may deem necessary.

Article V – Meetings

Section A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted. The regular meetings of the ZBA shall be held on the second (2nd) and fourth (4th) Mondays of each month at 7:00 p.m. If there are less than three (3) cases on the agenda for such meeting, the Chair shall have the option, but not the obligation, to cancel the meeting. The ZBA shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Zoning Board of Appeals present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the ZBA, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda at the regular meeting of the ZBA as a date certain. Each regular meeting shall be limited to no more than five (5) cases unless otherwise approved by the Chairperson of the ZBA.

Section B. Special meetings may be called by the Chairperson or by two (2) or more members of the ZBA at such time and place as deemed necessary with a forty-eight (48) hour prior notification. Such notice shall include the purpose of the special meeting. Special meetings shall be posted at the Township Hall at least eighteen (18) hours prior to the beginning of said meeting.

Section C. As provided by statute, all meetings, regular or special, shall be open to the public. All matters on the agenda shall be considered as scheduled for a public hearing, and any member of the public shall be given an opportunity to be heard on relevant matters concerning the subject of the hearing. The opportunity to present drawings, data, and any other information deemed necessary by the ZBA shall be afforded to anyone seeking to speak on a given agenda item.
Article V – Meetings (continued)

Section D. For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing.

Section E. Notice shall also be given as provided under the Zoning Enabling Act to the owner(s) of property subject of the request and all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

Section F. The time allotted for the public to be heard on any separate item of the scheduled agenda or on non-agenda items shall be limited to a time of three (3) minutes, unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the ZBA in writing, addressed to the ZBA Chairman, at the Township Offices.

Section G. Public comments on non-agenda items shall be taken only at the time cited under Article VII, Section C of these By-Laws.

Section H. The ZBA shall keep a public record of its resolutions, transactions, findings, and determinations in a location within the Township Hall which shall be maintained by the Township Planning and Zoning Director or as otherwise designated by the Township Clerk.

Section I. Notice of the regular meetings for the coming year shall be approved by the ZBA at one of the regular December meetings and forward unto the Township Board of Trustees. Such notice shall then be posted in the Township Hall, 2323 Joslyn Road, Lake Orion, Michigan and/or on the Township’s website.
Article V – Meetings (continued)

**Section J.** The Township Board may remove a member of the ZBA for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the ZBA.

A ZBA member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the ZBA.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;
2. The ZBA 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. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.

**Article VI - Election of Officers**

Election of Officers of the ZBA shall be held annually at the first regular meeting of the calendar year following the appointment or re-appointment of ZBA members by the Township Board.

**A.** The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of ZBA members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.

**B.** Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.
Article VII – Rules

Section A. A quorum must be present for the purpose of deliberating toward or rendering a decision on a ZBA matter. A quorum shall consist of a minimum of three (3) members, and an affirmative vote by not less than three (3) members shall be necessary to pass any motion, resolution, or recommendation, except for as otherwise required under State Law (MCL 125.3603, *et. seq*) or any Township Ordinance.

Section B. Expenditures, if any, shall be approved by a majority of the ZBA and shall require approval of the Township Board of Trustees.

Section C. Conduct of a regular meeting shall consist of the following order of business:

1) Open Meeting
2) Roll Call
3) Minutes
4) Agenda Review and Approval
5) ZBA Business
6) Public Comments
7) Communications
8) Committee Reports
9) Member Comments
10) Adjournment

Section D. During a meeting, the following rules of procedure shall apply to consideration of any item on the ZBA agenda:

1) The Chairperson will introduce the subject.
2) The applicant will present his/her case.
3) Public comments, if any.
4) Board member questions and comments, if any.
5) Applicant response.
6) Motion made and seconded by ZBA members.
7) Chairperson restates the motion and allows for discussion by ZBA members.
8) The motion may be revised or amended following discussion by the ZBA.
9) Once the ZBA members indicated they are ready for the question, whether by positive response to the Chairperson or voting to close debate, the Chairperson asks for the roll to be called.
10) The Secretary will then poll each ZBA member for their vote on the item under consideration.

Section E. All inquiries, applications, or matters requiring official action by the ZBA shall be submitted by 9:00am at least thirty (30) days prior to the next scheduled ZBA meeting. Such submittals shall be made to the employed secretary of the ZBA.
Article VII – Rules (continued)

Section F. All proceedings, decisions, and resolutions of the ZBA shall be initiated by motion, and the vote upon motions and resolutions shall be recorded.

Section G. In the event that the applicant is not present, or that sufficient data needed for the ZBA to take action has not been furnished, the ZBA shall postpone the matter to a date certain until the applicant can be present, or the required information has been submitted. Such time shall not exceed ninety (90) days from the original appearance of the business matter on the agenda. The ZBA may deny approval of the matter based upon lack of progress or for any other reason.

Section H. Meeting procedures and conduct shall be generally consistent with Robert’s Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these ZBA By-Laws.

Article VIII - Adoption and Amendment

Section A. These By-Laws shall take effect upon adoption by the ZBA and approval by the Township Board of Trustees.

Section B. These By-Laws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been read at a preceding regular meeting. Amendments shall take effect upon adoption by the ZBA and final approval by the Township Board of Trustees.

Adopted this 28th day of April, 1980
Amended this 23rd day of December, 1985
Amended this 2nd day of March, 1987
Amended this 11th day of May, 1987
Amended this 12th day of January, 1998
Amended this 8th day of April, 2002
Amended this 25th day of November, 2002
Amended this 16th day of May, 2022
Amended this 25th day of July, 2022