



A PLACE FOR TODAY. TOMORROW. THE FUTURE.

ZONING BOARD OF APPEALS'S GUIDEBOOK

The Fundamentals of Being on the Zoning Board of Appeals

Table of Contents

Purpose

- I. Purpose of the Zoning Board of Appeals
- II. Powers and Duties

Primary Documents

- I. Village of Roscommon Charter
- II. Village of Roscommon Master Plan
- III. Why Does Roscommon have a Master Plan?
- IV. Master Plan v. Zoning Ordinance
- V. Zoning Ordinance: Description
- VI. Village of Roscommon Zoning Map

The Basics of Zoning

- I. The Zoning Enabling Acts
- II. Main Functions of Zoning
- III. Interpretations
- IV. Appeals
- V. Variances

Proceedings

- I. Regular Meeting Schedule
- II. Membership
- III. Quorum
- IV. Meeting Structure
- V. Motions and Voting
- VI. Parliamentary Procedure
- VII. Procedures and Notice
- VIII. Decisions
- IX. Limitations
- X. Appeals of Administrative Opinions

XI. Interpretation of Zoning Chapter and Map

Application Review

- I. Variance Application Review

Conduct Guidelines

- I. Michigan Open Meetings Act
- II. Freedom of Information Act
- III. Ethics
- IV. Village Manager Training Session
- V. Attendance at Meetings
- VI. Being an Effective Participant

Purpose

Purpose of the Zoning Board of Appeals

The purpose of the Zoning Board of Appeals (ZBA) is to hear and decide appeals to the administration's interpretation of a Zoning Code requirement, or to hear appeals for a variance from the minimum Zoning Code requirements. The Zoning Board of Appeals authority is set forth by the Michigan Zoning Enabling Act 2006 PA 110 MCL 125.3101 et seq.

The Zoning Board of Appeals is tasked with interpreting any and all provisions of the Zoning Code in a manner that seeks to carry out the interests and general purposes of the Code. The Zoning Board of Appeals has the authority to grant, modify, or deny any requested variances. Any actions taken by the board must be supported by known facts based on conditions, including practical difficulties, unnecessary hardships, exceptional circumstances, affected value of adjacent properties and public street congestion. All decisions made by the Zoning Board of Appeals must be firmly based in the long-term interests of the community.

Powers and Duties

The Zoning Board of Appeals shall act upon the following questions as they arise:

- a) The interpretation of the zoning map and zoning chapter text.
- b) Appeals from a requirement, decision or determination made by an administrative official charged with the enforcement of this chapter, with the exception of approval or denial of special use permits and site plans by the Planning Commission, which shall be appealed to the Village Council.
- c) Requests for variance in the requirements of this chapter including height, setback building size, lot coverage, lot width and lot size as well as street parking and loading requirements.
- d) All decisions made by the Zoning Board of Appeals shall be final.

Primary Documents

Village of Roscommon Charter

The Village Charter defines the organizational powers, rules, and procedures of the village government.

Advantages of a Village Charter:

- It secures Home Rule for Roscommon. It establishes a simple, direct and businesslike form of government.
- It creates a single-headed administrative establishment and this administrative unity makes for harmony between departments, since all are subject to a common head.
- It ensures expertise in administration at the point where it is most valuable, namely, at the head.
- Regular municipal elections will be held every two years.
- It makes elective officers responsive to public opinion by means of the initiative and referendum. It furnishes through the recall a simple method of removing inefficient or corrupt officials.
- It permits public work to be done by direct labor as well as by contract.
- It centralizes purchasing, which will effect greater saving in the purchase of supplies.
- It recognizes the people as the sole sources of governmental power and imposes upon each member of the community the duty and responsibility of actively interesting himself in the affairs of the city.

Village of Roscommon Master Plan

The Master Plan is a policy framework for decisions that affect the physical, social and economic environment of the Village. The Master Plan represents goals and strategies to guide the Village over the next 20 years and beyond. The Plan provides vision, direction and a defined achievable future for the Village by establishing specific goals and strategies for land use; transportation; community facilities; and implementation. This document must be reviewed every 5 years to ensure that it remains up to date and prevalent.

The Master Plan is to be used by Village staff to evaluate and make recommendations to the Planning Commission and Village Council on regulatory and policy changes, zoning decisions and budgeting directives. The Planning Commission and Village Council use the Master Plan to make decisions regarding proposals that are presented before them. The Plan is used by

citizens and neighborhood groups to understand the Village's long-range plans and proposals for different geographical areas and to encourage plan implementation. The Plan provides a basis for the Village's development regulations and the foundation for its capital improvements program.

Why does Roscommon have a Master Plan?

The Michigan Planning Enabling Act (MPEA), being Act 33 of 2008 as amended, gives the authority and responsibility to municipalities to “make and approve a master plan as a guide for development within the planning jurisdiction.” The Act further states that “a master plan shall address land use and infrastructure issues and may project 20 or more years into the future.” The Village of Roscommon Master Plan is responsive to this State requirement and the various components required in it by the MPEA.

Master Plan v. Zoning Ordinance

A clear understanding of the difference between the Village of Roscommon Master Plan and the Village Zoning Ordinance is crucial to the operations of the Planning Commission and the decisions made by the Commission. Although a Master Plan is the community’s expression of its land use policies and long-term land use goals, it is not a regulatory document and does not have the power of law behind it. Instead, the Master Plan is implemented by regulatory tools including the Village of Roscommon Zoning Ordinance, and others. Absent these complimentary

regulatory actions, the ability of the Village to implement its vision, as expressed by the Master Plan, would be greatly compromised. As the Planning Commission reviews matters before it, including policy development in the Master Plan, regulatory standards in the Zoning Ordinance and other regulatory tools, and proposals for development, the distinction between the Master Plan (visionary policy document that we strive to achieve) and the Zoning Ordinance (regulatory document that must be complied with and can be legally enforced) must be kept in mind.

Code of Ordinance Link: http://www.amlegal.com/codes/client/saint-johns_mi/

Zoning Ordinance: Description

A zoning ordinance is a written regulation and law that defines how property in specific geographic zones can be used. Zoning ordinances specify whether zones can be used for residential or commercial purposes, and may also regulate lot size, placement, bulk (or density) and the height of structures.

Village of Roscommon Zoning Map

The Village of Roscommon Zoning map identifies the different zoning districts and their boundaries throughout Roscommon. These districts have a variety of uses from residential to industrial and mixed use.

Zoning Map Link: <https://cityofstjohnsmi.com/topic/index.php?topicid=34&structureid=15>

The Basics of Zoning

The Zoning Enabling Act

All zoning authority is granted by the state through the Michigan Zoning Enabling Act, (PA 110 of 2006). Counties that have adopted a zoning ordinance have zoning authority over townships (but not over cities or villages) which do not have their own zoning ordinance. Cities, villages and townships that have their own zoning ordinances do not fall under county authority. The zoning enabling act defines the membership, responsibilities and authority of the ZBA. It also describes general rules for the formation and operation of a zoning board of appeals.

Main Functions of Zoning

The Zoning Board of Appeals exercises three basic roles or functions. These include:

- a) Interpreting the ordinance (text and map)
- b) Deciding appeals from administrative decisions
- c) Granting variances (use and non-use). The terms appeal and variance are often used interchangeably, but in fact are two entirely different concepts.

A **variance**, if granted, allows a departure from a particular requirement of the zoning ordinance.

An **appeal** is based on the fact that someone has made a decision related to the zoning ordinance, and another person disagrees with that decision.

Interpretations

The ZBA is authorized to issue an official interpretation of the zoning ordinance. Interpretations may be related to either the text of the zoning ordinance or to the boundaries of the zoning map. Unlike legal opinions or recommendations of consultants, an interpretation by the ZBA establishes the meaning of the matter being interpreted and is deemed to be the actual meaning of the ordinance from that point forward, unless the ZBA's interpretation is appealed to the courts.

Several rules of thumb may help in making interpretations.

- a) Base map interpretations on the zoning ordinance itself and any relevant historical information. Commonly, these rules are of the "walk like a duck" variety. In other words, if it appears as though the zoning boundary follows a river, it should be assumed to follow the river, or a road right-of-way, or some other physical feature. Where the boundary is unclear, the ZBA should take into account past zoning history (if any) and the potential effect of a determination on surrounding properties.

- b) Interpret the text of the zoning ordinance based on a thorough reading of the ordinance in order not to have the effect of amending the ordinance.
- c) Give weight to reasonable practical interpretations by administrative officials if applied consistently over a long period of time.
- d) Keep records of all interpretations. Once an interpretation is rendered, it is the official position of the community as to that provision. Consistency in decision making is important for the long-term.
- e) Generally, if equally convincing points are put forth by the zoning administrator and an individual affected by an interpretation, fairness dictates that the person most affected by the interpretation should prevail. In other words, where two interpretations are reasonably equal, the benefit of the doubt should be given to the property owner rather than the zoning administrator.

Once an interpretation is made, it is advisable for the planning commission to review the matter to determine whether or not an amendment to the ordinance is needed to further clarify the language (for a text interpretation), or to review the zoning map to determine a specific location of a zoning boundary (for a map interpretation).

Appeals

The zoning board of appeals is empowered to hear and decide appeals from any person aggrieved by an administrative decision. An administrative decision is one made by a zoning administrator or the planning commission, or by the legislative body when they are acting in an administrative capacity, (if, for example, the legislative body approved all site plans). Most often, appeals are the result of a disagreement with a decision of the zoning administrator, or, in some cases, a person aggrieved by a site plan review decision by the planning commission. Appeals may be required to be filed within a specific time period set in the zoning ordinance.

The ZBA cannot hear two types of zoning decisions. The first is an amendment to the zoning ordinance (rezoning or text change) – this is reserved for the legislative body. The second type of decision is for special land uses and planned unit developments, which can only be heard by the ZBA if the zoning ordinance specifically allows for an appeal.

Although the ZBA may reverse or affirm, wholly or partly, or may modify a prior decision, its powers are generally limited to determining whether or not the official or body making the administrative decision acted properly. The ZBA must recognize that the zoning administrator or planning commission has already made a decision regarding the issue as part of its delegated duties. The role of the ZBA is to determine whether the decision was authorized or supported by the zoning ordinance.

In addition, the ZBA should not treat the appeal as a new decision. Rather, review of the decision should be limited to the information that was available to the body or person who made the decision initially. Allowing testimony or evidence in addition to that previously submitted is inappropriate, unless the zoning ordinance directs otherwise.

In those instances where the official or body used proper procedures and standards, the ZBA should uphold the decision, even if the members personally disagree with the result. Some communities attempt to make appeals and variances the same by allowing an application to the zoning board of appeals only after the denial of a requested permit, such as a building permit or zoning compliance permit. This can be an inefficient and cumbersome procedure since a permit application may require submission of a full application for the permit, even when it is obvious that some requirement of the zoning ordinance is not met and a variance will be needed before a permit can be issued.

Variances

The zoning board of appeals, after public hearing, shall have the power to grant requests for variances from the provisions of the zoning ordinances where it is proved by the applicant that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance relating to the construction, equipment, or alteration of buildings or structures.

A variance grants permission to depart from a requirement or limitation of the zoning ordinance. There are two types of variances:

- a) Non-use variances (dimensional variances)
- b) Use variances

Non-use or Dimensional Variances

A non-use variance, also known as a dimensional variance, is a modification of a provision or requirement of the zoning ordinance authorized by the zoning board of appeals when the strict or literal application of the ordinance would cause “practical difficulties” for the applicant. Non-use variance requests are typically associated with modifications of required yard setbacks, building heights, parking requirements, landscaping or buffering restrictions and related building or facility placement provisions.

A non-use variance may be allowed by the zoning board of appeals only in cases where there is reasonable evidence of practical difficulty related to the property in question in the official record of the hearing and that all of the following conditions are met:

- a) There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - 1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the zoning ordinance; or
 - 2. Exceptional topographic conditions or other extraordinary situation on the land, building or structure; or

3. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of the zoning ordinance would involve practical difficulties; or
 4. There is a physical handicap affecting the owners of the property or any member of the family of an owner who resides on the property which impairs the ability of the disabled person to utilize or access the property.
 5. Any other physical situation on the land, building or structure deemed by the zoning board of appeals to be extraordinary.
- b) The condition or situation of the specific parcel of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 - c) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - d) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - e) The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
 - f) The variance will not impair the intent and purpose of the zoning ordinance.
 - g) The variance, if granted, would be the minimum variance to afford relief and would be the least modification of the applicable provisions of the zoning ordinance.

Use Variances

A use variance allows a use of land that is not permitted in the district in which the property is placed. Granting of a use variance requires that the applicant demonstrate that an “unnecessary hardship” would be imposed if the owner cannot use the property as requested.

However, even if permitted and eligible to hear use variances, the Zoning Enabling Act allows community to opt out of this procedure. To prohibit use variances the community must adopt zoning ordinance language that prohibits submission of use variance requests.

From a community planning perspective, the indiscriminate granting of use variances is a poor zoning and planning practice. Given the long-term implications, it is important that the ZBA understand the ultimate effects of use variances on the master plan or zoning plan for the community. Approval of a use variance can change the overall land use character of a particular area. That is why strict attention to the use variance standards is necessary.

A use variance may be allowed by the zoning board of appeals only in cases where there is reasonable evidence of unnecessary hardship related to the property in question in the official record of the hearing that all of the following conditions are met:

- a) The building, structure, or land cannot be reasonably used for a use allowed in the zone district in which it is located.
- b) The condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone district. Unique conditions or situations include:
 - 1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the zoning ordinance;
 - 2. Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - 3. The use or development of the property immediately adjoining the property in question; or
 - 4. Any other physical situation on the land, building or structure deemed by the zoning board of appeals to be extraordinary.
- c) The proposed use will not alter the essential character of the neighborhood or the intent of the master plan.
- d) The immediate unnecessary hardship causing the need for the request was not created by any affirmative action of the applicant.
- e) The variance, if granted, would be the minimum variance to afford relief and would be the least modification of the applicable provisions of this chapter.

Prior to the decision of the zoning board of appeals on a request for a use variance, the board may request that the planning commission, upon presentation by the applicant, consider the application and forward a report to the zoning board of appeals. The report shall be limited to the planning commission's review of the effect of the proposal on the existing or intended character of the neighborhood (subsection (d)(3)c of the zoning ordinance) and the ability of the property owner to use the property for a use already permitted under the existing zoning classification (subsection (d)(3)a of the zoning ordinance).

Proceedings

Regular Meeting Schedule

The Zoning Board of Appeals meets when required to review requests for variances or for interpretations of the Zoning Ordinance. It takes approximately 26 days to set a meeting date from the time of application.

Membership

The Board shall consist of three members, appointed by the Village Council. One of these three members may be appointed from the membership of the Planning Commission of the Village of Roscommon

Quorum

A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the Board members appointed and serving.

Meeting Structure

At any regular meeting of the Zoning Board of Appeals, the following shall be the regular order of business:

- I. Call to Order
- II. Public Comment on Agenda / Non-Agenda Items
- III. Old Business
- IV. New Business
- V. Adjournment

The Zoning Board of Appeals may, at its discretion, adjust the order of items on the agenda of a given meeting.

Motions and Voting

Motions: motions shall be summarized or restated by the Chairperson before a vote is taken. The name of the maker of the motion and its second shall be recorded in the minutes of the meeting.

Voting: At all meetings of the Zoning Board of Appeals, each member attending shall vote on all questions decided by the Board unless excused by a declared conflict of interest or by consent of the other members present. An affirmative vote of the majority of the members present shall be necessary for the person to abstain from voting on the matter. The minutes shall reflect that such member abstained from voting on the matter. In the event that any members shall have a conflict of interest in a matter then before the Board, that person shall disclose such interest. The affirmative vote of a majority of the members present shall be necessary.

Parliamentary Procedure

Parliamentary procedure in Zoning Board of Appeals meetings shall be guided by “Robert's Rules of Order Newly Revised, 10th edition (2000) or as amended.”

Motions shall consist of four classes: main motions, subsidiary motions, privileged motions, and incidental motions.

Procedures and Notice

The Zoning Administrator shall, upon receipt of a complete application and appropriate fee, schedule a public hearing.

After scheduling the public hearing, the Zoning Administrator shall have a notice of public hearing published in a paper of general circulation in the Village not less than 15 days before the public hearing. The notice shall be mailed or delivered to the applicant and to all persons to whom real property is assessed within 300 feet of the property and to all occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall do the following:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

Meetings shall be held at the call of the Chairperson and at other times as the Board in its rules of procedures may specify. The Chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

All meetings shall be open to the public with an opportunity for the applicant and the public to comment at the public hearing.

The Board shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk.

The Board shall adopt its own rules of procedure necessary to conduct its meetings.

The Board shall not conduct business unless a majority of the membership is present.

The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an administrative body or official, or to decide in favor of the applicant a matter upon which the Board is required to pass under the provisions of this chapter.

Decisions

The Zoning Board of Appeals shall return a written decision upon each case within 30 days after its initial meeting to review the request or appeal unless a further time is agreed upon with the appellant. Any decision of the Board shall be final. Any appeal from the Board's decision shall be made within 21 days of said decision. The Board shall state the grounds of any determination made by the Board.

Limitations

The Zoning Board of Appeals, notwithstanding any terms herein to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of the Village Code of Ordinances, nor to prohibit a use, which is permitted in the Code, nor may it determine the validity of Village of Roscommon Code of Ordinances.

Appeals of Administrative Opinions

Time limit - Any appeal from a written administrative decision concerning the enforcement of the provisions of the Code shall be made to the Zoning Board of Appeals through the Zoning Administrator within 21 days after the date of the administrative decision which is the basis of the appeal. Any appeal shall be in writing on standard forms.

Duties of Zoning Administrator - The Zoning Administrator shall transmit to the board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken.

Who may appeal - Appeals to the Board may be taken by any person aggrieved by, and with a vested interest in, an administrative decision, of any officer, department, or Board of the Village. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

Stays all proceedings - An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of the code; except that the Zoning Administrator may certify to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him or her that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

Interpretation of Zoning Chapter and Map

The Zoning Board of Appeals, upon proper application of appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions detailed in the Code of Ordinances as follows:

- a) So as to carry out the intent and purpose of the Code of Ordinances.
- b) To determine the precise location of the boundary lines between zoning districts. In interpreting the boundaries of zoning districts, the Board shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines one-quarter or one-eight section lines, or corporate boundary lines as they existed when the zoning boundary line was established.
- c) The Board shall have the authority to interpret the provisions of the Code when a requirement, standard, or other text is unclear, including classifying a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.

Application Review

Variance Application Review

When making a decision on any variance, board members must follow the rules and regulations of the Village of Roscommon, as adopted by Village Council. This ensures uniform, consistent, just and legally defensible rulings by the Board. The following rules should be followed for granting variances:

Rules for Granting Variances

- In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgement, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such conditions shall automatically invalidate the permit granted.
- Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within 12 months after the granting of the variance.
- No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- In authorizing any variance, the Zoning Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
- The granting of use variances shall be prohibited.

Conduct Guidelines

Michigan Open Meetings Act

All actions of the Zoning Board of Appeals must follow the guidelines of the Michigan Open Meetings Act. The Open Meetings Act (OMA) was written in 1976, as was the Freedom of Information Act. These two laws, known as Michigan's "sunshine laws," are designed to make government processes and information more open to the public. Both laws were written in the post-Watergate, post-Vietnam war era.

It is important to keep in mind that the OMA applies to governmental bodies, those "empowered by state constitution, statute, charter, ordinance, resolution or rule to exercise...governmental authority." It does not apply to corporations, non-profits, churches or the like.

The law guarantees several rights of citizens. The public has a right to record meetings, within the bounds of reasonable rules which the public body may write to minimize disruption of the meetings. The public, likewise, has a right to address the public body, also within the bounds of rules written to facilitate orderly meetings and protecting everyone's right to address the board. An individual can only be removed from a meeting for a breach of the peace committed at that meeting.

Social or chance gatherings, or conferences which are not intended to avoid the OMA, are exempt. These types of gatherings often are treated with suspicion by the press and the public. It is important for public bodies to be careful not to discuss government business during these gatherings. This can be accomplished by paying careful attention to what the OMA says about deliberations and decisions.

The Freedom of Information Act

As Board members, your actions during meetings are subject to the Freedom of Information Act. Understanding the Act and what pieces of information it applies to is crucial to a transparent development process. Information created or presented under the following circumstances are included under the Freedom of Information Act.

ANY gathering, including work sessions, of the ZBA, sitting (or through telephonic or video equipment) as the ZBA or an informal assemblage of:

- (i) as many as three members, or
- (ii) a quorum, if less than three, of the constituent membership,

WHEREVER the gathering is held;

WITH or WITHOUT minutes being taken; **AND**

WHETHER OR NOT votes are cast.

NOTE: This also applies to ANY meeting, including work sessions.

WHAT IS NOT A MEETING?

The gathering of employees; or

The gathering or attendance of two or more ZBA members at:

Any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business; OR

WHAT IS **NOT** A MEETING (cont'd)

A public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to discuss or transact public business.

OTHER FOIA PROVISIONS

MINUTES: ARE REQUIRED for any meeting of the ZBA.

VOTING: NO secret or written ballots are ever allowed.

CLOSED MEETINGS: Allowed **ONLY** as specifically authorized by FOIA and require motion stating purpose.

NOTES and RECORDS: If referred to or passed between members, your notes and records are subject to FOIA.

EMAILS: Any email to a majority of the ZBA or directed towards a decision of the ZBA is subject to FOIA. **REPLY ALL** responses are subject to FOIA and are to be avoided.

Ethics

Elected officials, appointees, and Village employees, by virtue of their positions, are trustees of the public, chargeable with honesty, integrity, and openness in their handling of public affairs. When conduct inconsistent with this expectation occurs, public suspicion is heightened and public confidence is compromised. Where government is founded upon the consent of the governed, it is critical that each citizen have complete confidence in the integrity of the government. Each public official, appointee, and/or employee must endeavor to earn and honor the public trust in the conduct of all official duties and actions. The purpose of this chapter is to define standards of ethical conduct that are clearly established and uniformly applied and for enforcement of same. All ethical standards of conduct can be seen defined in chapter 37 of the Village Code.

Village Manager Training Session

Within one month of the start of your appointment, a mandatory training session will be scheduled with you by the Village Manager. At that training, specific information and direction on complying with the Open Meetings Act will be provided. This training will also cover Freedom of Information Act requirements, as well as the ethical standards and expectations of the Village as they apply to your appointment to the Zoning Board of Appeals. Should you have any questions or concerns in these areas following that training, they may be directed to the Village Manager for direct answer.

Attendance at Meetings

To the extent possible, prospective absences and the reason for absence shall be reported to the Chairperson before the meeting. The Zoning Board of Appeals may decline to excuse the absence of any elected official or appointed officer from a meeting.

Being an Effective Participant

Before the Meeting:

- Come to the meeting with questions in mind. Make note of problems or questions and offer them for discussion. Study the agenda in advance.

During the Meeting:

- Listen thoughtfully and critically to others. Try hard to get the other person's point of view. Don't accept ideas that seem unsound, but remember: on almost every question there are several points of view.
- Don't fight over the ownership of ideas. Once you have given your ideas to the group, it becomes group property. Don't argue just because it was yours.
- Speak your mind freely. The meeting is yours – a chance for you to say what you think. SAY IT! Speak so everyone can hear.
- Don't monopolize the discussion. Don't speak for more than a minute or so at a time. Make your point in a few words, then give someone else a chance. Don't make a speech.
- Don't let the discussion get away from you. If you don't understand, say so. Ask questions or for examples and cases.
- Don't engage in side conversations with your neighbor. It is rude and distracting.
- Take part in friendly disagreement. When you are on the other side of the fence, say so and tell why, but in a friendly way. Avoid win-lose confrontations.
- Strike while the idea is hot! If you wait until "later", you may forget your point or it may no longer be relevant to the discussion.
- Be action-minded! Try to relate discussion to action. Wise action is the true purpose of group discussion.
- Above all, develop in yourself that rarest of communicative art – the art of listening.

After the Meeting:

- Ask yourself – **WHAT DID I CONTRIBUTE**