

Zoning Board of Appeals

Authorizing Statute:

Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

Authorities and Responsibilities:

- Shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps.
- Shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance.
- Shall hear and decide matters referred to it by the zoning ordinance or that it is required to pass under the zoning ordinance.
- Decides variance requests.
- Hears special land use and planned unit development appeals only if provided for by zoning ordinance.

Established By:

Required in any township that has a zoning ordinance.

Membership:

Township with under 5,000 population: At least 3 regular members appointed by the township board.

The first regular member shall be a member of the township zoning commission or planning commission where the powers of the zoning commission have been transferred to a planning commission. (*Note that all zoning boards or zoning commissions must become a planning commission with zoning authority by July 1, 2011.*)

One regular member may be a member of the township board, but a township board member cannot serve as the chairperson of the ZBA.

The remaining members shall be selected from the electors of the township residing outside of incorporated cities and villages. Members shall be representative of population distribution and of the various interests present in the township.

An employee or contractor of the township board may not serve as a member.

The terms of office for members appointed to the zoning board of appeals shall be for 3 years, except for members serving because of their membership on the zoning commission or legislative body, whose terms shall be limited to the time they are members of those bodies.

Alternates: Up to 2 alternate members. May be called per the zoning ordinance to serve as a regular member in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. The alternate serves on a case until a final decision is made, with the same voting rights as a regular member.

Compensation to Members:

Members may be compensated by per diem or for expenses actually incurred in discharge of duties, not to exceed a reasonable sum approved by the township board.

OMA/FOIA Status:

Public body subject to Open Meetings Act and Freedom of Information Act.