

**AGENDA  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, MARCH 16, 2022  
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Commissioners: Packer, Plumb, Gilbert, Smith, Wyatt.  
Alternates: Knickerbocker, Hicks
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**

	<b>Page</b>
A. Resolutions	<b>02</b>
B. Virtual Meeting Instructions & Policy	<b>04</b>
C. Minutes of October 20, 2021	<b>09</b>
D. Meeting Staff Letter	<b>12</b>
E. ZBA Bylaws	<b>13</b>
- 7. MEETING OPENED TO THE PUBLIC:**
- 8. VARIANCE APPLICATION:**
  - A. None.
- 9. OTHER BUSINESS:**
  - A. Election of Officers
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. ADJOURNMENT:**

**RESOLUTIONS  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, MARCH 16, 2022  
6:00 P.M.**

**Resolution No. 220316-01**

**Approval of Agenda**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves the agenda for the March 16, 2022 ZBA meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 220316-02**

**Approval of Minutes**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves the minutes for the October 20, 2021 ZBA meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 220316-03**

**Selection of Chairperson**

Motion by Zoning Board of Appeals Board Member: \_\_\_\_\_

**I Move**, the Swartz Creek Zoning Board of Appeals selects Board Member \_\_\_\_\_ to serve as the ZBA Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 220316-04**

**Selection of Vice Chairperson**

Motion by Zoning Board of Appeals Board Member: \_\_\_\_\_

**I Move**, the Swartz Creek Zoning Board of Appeals selects Board Member \_\_\_\_\_ to serve as the ZBA Vice-Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 220316-05**

**Selection of Secretary**

Motion by Zoning Board of Appeals Board Member: \_\_\_\_\_

**I Move**, the Swartz Creek Zoning Board of Appeals selects Board Member \_\_\_\_\_ to serve as the ZBA Secretary for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 220316-06**

**Adjourn**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals adjourns the March 16, 2022 Zoning Board of Appeals meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**CITY OF SWARTZ CREEK  
VIRTUAL ZONING BOARD OF APPEALS MEETING  
ACCESS INSTRUCTIONS  
TUESDAY, March 16, 2022 6:00 P.M.**

The ZBA meeting of March 16, 2022 at 6:00 p.m. will be conducted as a hybrid meeting, with commissioners, staff, consultants, petitioners, and public attending in-person. The meeting will also be held virtually (online and/or by phone) to non-commissioners, due to health concerns surrounding Coronavirus/COVID-19.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

### **Zoom Instructions for Participants**

#### **To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

#### **Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

#### **To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

#### **Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Zoning Board of Appeals

Time: March 16, 2022 06:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83096401128>

**Meeting ID: 830 9640 1128**

**One tap mobile**

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

**Dial by your location**

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

**Meeting ID: 830 9640 1128**

**If you have any further questions or concern, please contact 810-429-2766 or email [colger@cityofswartzcreek.org](mailto:colger@cityofswartzcreek.org). A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

**CITY OF SWARTZ CREEK**  
**VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing \*9 on their phone.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF BOARD OR COMMISSION**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.



**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE ZONING BOARD OF APPEALS  
OCTOBER 20, 2021**

The Regular Meeting was called to order at 6:00 pm by Chair Packer in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board members Present: Wyatt, Packer, Gilbert, Smith.

Alternates Present: Hicks.

Board members Absent Knickerbocker, Plumb.

Staff Present: Adam Zettel.

Others Present: Nate Henry, Robert & Joan Wirostek, Drake & Debra Serges, Carlene Kovacs, Virginia Nieto, Dave & Debbie Williamson, Jim Florence.

**APPROVAL OF AGENDA**

**Resolution No. 211020-01**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Agenda of the Regular Board Meeting of October 20 2021 as printed.

Yes: Packer, Gilbert, Smith, Hicks, Wyatt.  
No: Motion declared carried

**APPROVAL OF MINUTES:**

**Resolution No. 211020-02**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Minutes of the Regular Board Meeting May 19, 2021 to be approved.

Unanimous Voice Vote  
Motion declared carried

**Meeting Open To The Public:** No comments.

**Variance Application: 4289 Alex Marin Variance Findings**

Mr. Zettel explained the issue as it was identified by the first mortgage survey and as addressed by the petitioners.

Kal Nemer, petitioner spoke in length regarding the application for variance. He wished the latest survey was on the projection screen. The survey was distributed in hardcopy to the board and public.

Public Hearing  
Open: 7:39 p.m.

Cheryl Jones 4282 Lindsey Drive, spoke. She indicated that she has some current issues with the situation and concerns about the variance. Her detailed thoughts were distributed in writing to the board.

Drake Serges 4289 Alex Marin Drive, owner of property. He is looking forward to being part of the Swartz Creek community and hopes the board will approve the variance.

Close: 7:44 p.m.

Adam Zettel reviewed the process of the ZBA. The ZBA board deliberated at length.

**Resolution No. 211020-03 (Carried)**

Motion by Boardmember Smith, support by Boardmember Hicks, the Swartz Creek Zoning Board of Appeals makes the following findings in relation to the variance application for 4289 Alex Marin Drive:

1. Master Deed does not match site plan
2. Unit 99 is sole corner lot in Phase II of Springbrook Condominiums
3. Multiple surveys may have resulted in confusion
4. Otherwise meets variance criteria in zoning ordinance

Yes: Smith, Hicks, Wyatt, Packer.  
No: Gilbert. Motion declared carried

**4289 Alex Marin Variance Decision (Carried)**

**Resolution No. 211020-04**

Motion by Boardmember Smith, support by Boardmember Wyatt the Swartz Creek Zoning Board of Appeals approves the variance request for dimensional variances, as applied for at the site known as 4289 Alex Marin Drive, Unit 99 of Springbrook East, with no conditions.

Yes: Smith, Hicks, Wyatt, Packer.  
No: Gilbert. Motion declared carried.

**OTHER BUSINESS:**

None.

**Meeting Open To The Public:**

Mr. Serges thanked the board for their decision.

Phil spoke on behalf of Cheryl Jones issues. He felt there was not enough attention given to her concerns.

**Adjourn**

**Resolution No. 211020-05**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

**I Move** the Swartz Creek Zoning Board of Appeals adjourns the October 20, 2021 ZBA meeting.

Unanimous Voice Vote  
Motion declared carried

The meeting adjourned at approximately 7:46 p.m.

---

Ronald Smith  
Secretary



Where Friendships Last Forever

Adam Zettel, AICP

City Manager

[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

---

Date: March 8, 2022

**To: Zoning Board of Appeals Commissioners**  
**From: Adam Zettel, AICP**  
**Subject: March 16, 2022 ZBA Meeting**

Hello everyone,

**The Zoning Board of Appeals shall convene at 6:00pm on Wednesday, March 16, 2022 in the city council chambers. This will be an in-person meeting for ZBA members.** The meeting will also be available to the public via Zoom. The instructions are attached.

This meeting will function as our annual meeting. We will be selecting officers. Current officers are Packer (Chair), Plumb (Vice Chair), and Smith (Secretary). I am including the ZBA handbook and by-laws. Please take a look.

Note that we will not be conducting a training at this year's annual meeting. Instead, ZBA members are requested to attend the virtual training that is occurring the day before, on March 15<sup>th</sup>. Each member has been signed up, and we ask you to attend. If you require assistance to attend this virtual training or you otherwise cannot attend, please let me know.

If you have any questions or have comments, please contact the city office or send me an email. I shall see you at the meeting.

Sincerely,

Adam H. Zettel, AICP  
City Manager  
City of Swartz Creek

*City of Swartz Creek*  
**ZONING BOARD OF APPEALS  
RULES OF PROCEDURE**

**1. AUTHORITY**

These rules of procedures are adopted by the City of Swartz Creek Zoning Board of Appeals, herein referred to as the ZBA, pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act and Public Act 267 of 1976, as amended, the Open Meetings Act.

**2. OFFICERS**

**2.1 Selection.** At the March meeting, the ZBA shall select from its membership a chairperson, vice-chairperson, and secretary who shall serve for a twelve month period and who shall be eligible for reelection. Officers shall assume their respective officers and duties immediately.

**2.2 Duties.** A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office, in which case the ZBA shall select a successor to the office of vice-chairperson at the earliest practicable time. The secretary shall be responsible for signing the official minutes of the meeting. An individual other than a Planning ZBA member shall be appointed the recording secretary by the City Council and shall be responsible for the preparation of minutes, keeping pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed ZBA operations. In the event the secretary is absent, the chairperson or acting chairperson shall appoint a temporary secretary for such meeting.

**2.3 Tenure.** The officers shall take office at the meeting at which they are elected. They shall hold their office for a term of one year beginning at the annual meeting in March, or their successors are elected and assume office.

**3. MEETINGS**

**3.1 Meeting Notices.** All meetings shall be posted at the City of Swartz Creek City Offices according to the Open Meetings Act. The notice shall include the date and time of the meeting.

**3.2 Annual Meeting.** The ZBA shall meet every March to select officers and see to any other business. This meeting shall be held at a date and time conducive to a regular meeting.

CITY OF SWARTZ CREEK, MICHIGAN  
ZONING BOARD OF APPEALS – RULES OF PROCEDURE: MARCH 2009

- 3.3 Regular Meeting.** Regular meetings of the ZBA shall be held as needed, on the third Wednesday of the month in the City Hall Council Chambers at 8083 Civic Drive. The need for a meeting shall be based upon the submission of an application for an appeal, variance, or interpretation; or by the initiation by the Chairperson or City staff. The specific dates and times shall be posted at City Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time of a regular meeting shall be posted within 3 days after the meeting at which the change is made. When a regular meeting date falls on or near a legal holiday, the ZBA shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.
- 3.4 Special Meetings.** A special meeting may be called by two members of the ZBA upon written request to the Secretary or by the Chairperson. The business which the ZBA may perform shall be conducted at a public meeting of the ZBA held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be posted at least 18 hrs before the meeting and the Secretary shall ensure that written notice of a special meeting is provided to ZBA members not less than 48 hours in advance of the meeting.
- 3.5 Quorum.** In order for the ZBA to conduct business or take any official action, a quorum consisting of the majority of the members of the ZBA shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the ZBA may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting, and no additional public notice is required provided the date, time, and place is announced at the meeting.
- 3.6 Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cites in Section 1. Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:
- A. The public hearing will be opened.
  - B. Presentation by applicant.
  - C. Staff reports if any shall be presented.
  - D. The public shall be invited to speak on the matter. Each speaker will be asked to give their name and address for the record. Each speaker shall be limited to 5 minutes.
  - E. Following the presentation by applicant, the ZBA will question staff and the applicant.

CITY OF SWARTZ CREEK, MICHIGAN

ZONING BOARD OF APPEALS – RULES OF PROCEDURE: MARCH 2009

F. Following the public comment the ZBA will close the public hearing portion of the meeting. An affirmative motion shall be made on the matter and ZBA members will discuss the matter, and may ask questions of the staff, applicant, or members of the public, and take whatever action is appropriate.

3.7 **Motions.** If possible, motions in the form of a resolution shall be pre-typed in the affirmative and included as a supplement to the agenda. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.8 **Voting.** An affirmative vote of the majority of the ZBA members present for the conduct of business shall be required for the approval of any requested action or motion placed before the ZBA. Voting shall ordinarily be voice vote for such items as approval of the minutes and approval of the agenda. However, roll call votes will be required for all votes related to a decision on a variance, interpretation, or appeal. Furthermore, a roll call can also be required if requested by any ZBA member or directed by the Chairperson. All members of the ZBA including the Chairperson shall vote on all matters, with their names called on a rotating basis so the person whose name was called first on a roll call vote will be called last next time and second to last the next, etc, etc.

A member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. A member may request to be excused from voting. That request shall be made before the consideration of the matter. The member shall reveal the basis for the potential conflict and the remainder of the ZBA shall vote to find that is, or is not a conflict. A member may also request that the ZBA find by majority vote that another member has a conflict of interest and should be prohibited from voting.

A member of the zoning board of appeals who is also a member of the planning commission or the City Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission or the City Council. However, the member may consider and vote on other unrelated matters involving the same property. Any member abstaining from a vote shall not participate in the discussion of that item and shall leave the room while the issue is being discussed and voted on.

3.9 **Order of Business.** A written agenda for all regular meetings shall be prepared as follows:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda

CITY OF SWARTZ CREEK, MICHIGAN  
ZONING BOARD OF APPEALS – RULES OF PROCEDURE: MARCH 2009

- E. Approval of Minutes
- F. Correspondence that is Relevant to the Agenda
- G. Public Comments and Communications Concerning Items Not on the Agenda. Each Speaker Will Be Limited To 5 Minutes.
- H. Variance, Interpretation, and Appeal Hearings
  - a. Applicant Presentation
  - b. Staff Presentation
  - c. Public Hearing
  - d. Discussion and Questions by ZBA
  - e. Motion
  - f. Discussion on Motion
  - g. Roll Call Vote
- I. Any other Business/on-going Business
- J. Public Comments and Communications Concerning Items Not on the Agenda. Each Speaker Will Be Limited To 5 Minutes.
- K. Boardmember Comments
- L. Adjournment

A written agenda for special meetings shall be prepared and followed; however, the form as enumerated above shall not be necessary.

**3.10 Rules of Order.** All meetings of the ZBA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Orders”.

**3.11 Alternates.** An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.

**4. MINUTES**

4.1 ZBA minutes shall be prepared by the Recording Secretary of the ZBA or designee. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of



CITY OF SWARTZ CREEK, MICHIGAN

ZONING BOARD OF APPEALS – RULES OF PROCEDURE: MARCH 2009

attendance. The minutes of a public hearing shall include an identification of each member of the public who spoke and a summary of their comments. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk when they become available.

**5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

- 5.1 All meetings of the ZBA shall be opened to the public and held in a place available to the general public.
- 5.2 All deliberations and decisions of the ZBA shall be made at a meeting open to the public.
- 5.3 A person shall be permitted to address a hearing of the ZBA under the rules established in section 3.5, and to address the ZBA concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.
- 5.4 A person shall not be excluded from a meeting of the ZBA except for breach of the peace, committed at the meeting.
- 5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.
- 5.6 All meetings shall be recorded using a audio cassette or similar medium if practical.

**6. AMENDMENTS**

These rules may be amended by the ZBA by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

**THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED ON THE**

**18<sup>th</sup> March, 2009**

---

Ron Smith  
ZBA Secretary