

Jackson County Airport-Reynolds Field

Zoning Board of Appeals

Organization and Procedures

Manual

Adopted: April 24, 2003
Revised: October 17, 2013

**Jackson County-Reynolds Field
Zoning Board of Appeals
Organization and Procedures Manual**

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Jackson County-Reynolds Field Zoning Board of Appeals Organization and Procedures Manual

1. INTRODUCTION

The Airport Zoning Board of Appeals (ZBA) was created as a result of the issuance of the Jackson County Reynolds Field Zoning Ordinance pursuant to the Airport Zone Act, Act 23 of 1950. (Refer to the Jackson County Reynolds Field Zoning Ordinance, article 4, Ordinance Administration, and Section 4.3 Board of Appeals).

2. ORGANIZATION

The ZBA consists of five members and has the authority to resolve appeals of administrative decisions provide interpretation of the zoning ordinance and issue variances from requirements of the zoning ordinance.

3. PROCEDURES

The following by-laws and rules of procedures are hereby adopted to facilitate the performance of the ZBA's duties.

Officers

- A. Selection and Tenure – At a regular meeting, the ZBA shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C, below. All officers shall be eligible for re-election for consecutive terms for the same office. Refer to attachment “A” for current members.
- B. Chairperson -The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the ZBA.
- C. Vice Chairperson - The vice-chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to this office for the unexpired term, and the ZBA shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary - The secretary shall execute documents in the name of the ZBA, perform the duties hereinafter listed below, and shall perform such duties as the ZBA may determine.
 1. Minutes – The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them

recorded in suitable permanent records. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.

2. Correspondence - The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the ZBA. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the ZBA.
 3. Attendance - The secretary shall be responsible for maintaining an attendance record for each ZBA member and report those records annually to the ZBA for inclusion in the annual report.
 4. Notices - The secretary shall issue such notices as may be required by the ZBA.
- E. Zoning Board of Appeals Administrator – The Jackson County – Reynolds Field Airport Manager shall serve in the capacity of the Zoning Board of Appeals Administrator to administer and facilitate the ZBA meetings, notices and other matters as necessary. The ZBA Administrator shall not have a vote in ZBA matters.

Meetings

- A. Regular Meetings - The ZBA shall hold not less than one regular meeting each year and by majority vote and public notice shall determine the time and place of such meetings. Other meetings may be held as necessary. Notice of regular or scheduled ZBA meetings shall be posted in accordance with the Open Meetings Act.
- B. Special Meetings - Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the ZBA. The business the ZBA may perform shall be conducted at a public meeting held in compliance with the Open meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.
- C. Public Records - All meetings, minutes, records, documents, correspondence and other materials of the ZBA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum - Three members of the ZBA shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another

- time and day, in accordance with the provisions of the Open Meeting Act, or hold the meeting to consider the matters on the agenda no action shall be taken at a meeting at which a quorum is not present.
- E. Voting - Unless required by statute or other actions or motions placed before the ZBA may be adopted by a majority vote of the membership. Voting shall be by voice vote; a roll call vote shall be required if requested by any ZBA member or directed by the chairperson. All members, including the chairperson, shall vote on all matters, but the ZBA chairperson shall vote last.
 - F. Meeting Agenda - The chairperson shall be responsible for preparing an agenda for ZBA meetings.

Absences, Removals, Resignations and Vacancies

- A. To be excused, members of the ZBA shall notify the ZBA chairperson or other members when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members of the ZBA may be removed by the Jackson County Reynolds Field Joint Airport Zoning Board after a hearing before the Jackson County Reynolds Field Joint Airport Zoning Board.
- C. A member may resign from the ZBA by sending a letter of resignation to the ZBA chairperson.
- D. Vacancies shall be filled by the Jackson County Airport-Reynolds Field Joint Airport Zoning Board, within one month of resignation or removal of a ZBA member. Successors shall serve out the unexpired term of the member being replaced.

Conflict of Interest

- A. ZBA members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request 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 owns or 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. The ZBA member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed

development, as required by the zoning ordinance or other applicable ordinance, or;

4. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.
- B. The ZBA member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the commission. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she shall not make any presentations to the ZBA as a representative of the proposal.
- C. The conflict of interest declaration question must be sustained by a majority vote of the membership of the ZBA through a motion and support.

Appeal Procedure

- A. The current revisions to the Jackson County Airport-Reynolds Field Zoning Ordinance and the Jackson County Reynolds Field Zoning manual shall be the basis for interpretation and ruling by the ZBA.
- B. The following requirements must be fulfilled to appeal a ruling from the Zoning Administrator.
 1. An appeal must be filed within 30 days of the ruling.
 2. The appeal, Attachment "B" must be filed out in full and submitted two weeks prior to the first Tuesday of the month at the airport office.
 3. The fee of \$150.00 must be paid at the time of application.
 4. An accurate survey drawing shall be included showing:
 - a. Existing buildings
 - b. Proposed buildings (type thereof and there uses).
 - c. Show property line, roads, driveways, etc.
 5. The property is posted and at least 15 days notice placed in newspaper prior to the hearing.
 6. A notice is sent to the property owners that are within 300 feet of the subject property 15 days prior to the hearing. See Attachment "C"
 7. Issue copy of Appeal and Notice of Meeting to ZBA members.

8. A hearing is held and the ZBA makes the final decision.
9. If the applicant does not agree with the decision made by the ZBA, he/she can appeal to the Circuit Court of the State of Michigan.

Amendments

These bylaws and rules of procedures may be amended at any meeting by a vote of three members of the ZBA.

Note: New appointees will be requested 60 days prior to the ending term. After the initial term, appointees shall serve 3-year terms.

Attachment "A"
Jackson County Airport-Reynolds Field
Zoning Board of Appeals
2013 Membership

<u>Board Members</u>	<u>Term</u>	<u>Ending</u>
Michael Brunk 228 Maiden Lane Pleasant Lake, Michigan 49272 517-769-6822 517-936-0443 Dan2150@hotmail.com	2 Yr.	August 2014
Paula Clingerman 1412 Gerry Drive Jackson, Michigan 49202 517-788-7829 517-392-1401 pcling@ameritech.net	3 Yr.	August 2015
George Race 3865 Gibbs Road Albion, Michigan 49224 517-531-4728 517-812-7590 George@mrrace.com	3 Yr.	August 2015
Robert Smith 1316 Gerry Drive Jackson, Michigan 49202 517-782-3013 517-206-2262 Ordinance@summittwp.com	3 Yr.	August 2015
James Bogie 3888 Mayfield Drive Jackson, Michigan, 49203 517-750-4417 Bogey52@comcast.net	2 Yr.	August 2014
Kent Maurer Jackson County Airport (Manager) 3606 Wildwood Jackson, MI 49202 517-788-4225	Zoning Board of Appeals Administrator	

Attachment "B"
Jackson County Airport-Reynolds Field
Zoning Board of Appeals
Application for Appeal

Date: _____

I (we) _____ owners

Of _____
(address)

Hereby appeal the decision of the Zoning Administrator and request

() Administrative Appeal

() Variance, Use or Dimensional (Non-use) Not effective for a period of 30 days following the date of issuance.

() Ordinance Interpretation (Text and Map)

note: The applicant or appointed representative must be present at the meeting. If an appointed representative is to act on behalf of the applicant he must submit a letter to that effect.

1. Present Condition

Requested Condition

2. Legal Description of Property: _____

3. If the appeal is for interpretation, give article, sub-section, or paragraph in question

4. If the appeal is for a special exception or conditional use, give a description of proposed use and location: _____

5. With all requests, a plot plan drawn to scale showing lot, location of existing buildings, proposed buildings and any additions to existing buildings, plus distances from property lines, is required.

6. If appeal is for a variance, give provision of Zoning Ordinance from which variance is sought: _____

7. Special circumstances or unusual conditions attached to the property which do not apply to other properties in the same district or vicinity: _____

8. Date property was acquired: _____

I certify that the above information is true and that I am the owner of the property in which the appeal is sought.

Signature of owner/applicant

Address

Email

Phone Numbers

Designated Representative

Representative Address

Email

Phone Numbers

_____ Hereby grants permission to enter the premises
located _____ at
_____ for
inspection purposes and/or post required notices

Zoning Board of Appeals

The ZBA, having reviewed the submitted data, does hereby (Approve) (Disapprove) the application for the following reasons:

FEE OF \$150.00 IS ENCLOSED _____

Public Notice posted:
Public Notice Mailed:
Public Hearing Held:

Copy:

Zoning Administrator
Michigan Aeronautics Commission

Applicant

Attachment "C"

**Jackson County Airport-Reynolds Field
Zoning Board of Appeals
NOTICE**

Notice is hereby given that the Jackson County Reynolds Field Zoning Board of Appeals will hold a meeting at the Airport office at 3606 Wildwood Avenue, Jackson Michigan 49202 on _____ at _____ to consider the following:

Jackson County
Reynolds Field Zoning Board of Appeals

Chairman