



Zoning Board of Appeals

Rules of Procedure

Adopted November 2025

1.0 Purpose

The following rules of procedure are hereby adopted by the Village of Brooklyn Zoning Board of Appeals (hereinafter known as ZBA) to facilitate the performance of its duties as outlined in the Village of Brooklyn Zoning Ordinance and in accordance with Section 601 of P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3601).

2.0 Membership

2.1 The Village Council shall serve as the Zoning Board of Appeals, in accordance with the in the Village of Brooklyn Zoning Ordinance.

2.2 Officers. Chair shall be the Council President. Vice Chair shall be the President Pro-Tem and Secretary shall be the Zoning Administrator.

- a) The Chair shall preside at all meetings and perform such other duties as may be ordered by the ZBA.
- b) The Vice-Chair shall act in the capacity of the Chair in their absence and in the event the office of the chairperson becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term. The Vice-Chair shall perform such other duties as the ZBA may determine.
- c) The Secretary shall record the official proceedings of the meetings and conduct all correspondence as may be directed by the ZBA. The proceedings of each meeting shall be reviewed at the following meeting of the ZBA and be affirmed by a majority of the ZBA members.

3.0 Duties of all members.

3.1 Ex Parte contact.

- a) Members shall avoid Ex Parte contact about cases where an administrative decision is before the ZBA whenever possible.
- b) Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the ZBA at the public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

3.2 Site Inspections. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the ZBA at the public meeting or hearing on the site.

- a) If desired, no more than one member of the ZBA may accompany the zoning administrator or staff on a site inspection.

3.3 Not Voting On the Same Issue Twice. Any member of the ZBA shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making at a minimum shall include, but not necessarily limited to the following:

- a) When the appeal is of an administrative or other decision by Planning Commission, and the member of the ZBA sits both on the Planning Commission and ZBA.
- b) When the appeal is of an administrative or other decision by any committee of the Planning Commission, other committee, and the member of the ZBA sits both on that committee and ZBA.

3.4 Accepting gifts. Gifts shall not be accepted by a member of the ZBA or liaisons from anyone connected with an agenda item before the ZBA.

- a) As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.

3.5 Spokesperson for the ZBA.

- a) Free and open debate should take place on issues before the ZBA. Such debate shall only occur at meetings of the ZBA.
- b) Once a vote is taken and an issue is decided by vote, the duty of each member of the ZBA is to represent the position reflected by the outcome of the vote, Minority reports and requests for consideration may take place only at an open meeting of the ZBA.
- c) From time-to-time, or on a specific issue the ZBA may appoint a spokesperson for the ZBA for all matters which occur outside of the meetings of the ZBA, by default this shall be the Zoning Administrator or Village Manager.

4.0 Meetings and Procedure

4.1 Meetings. All meetings of the ZBA shall be held at the call of the Chair and at such times as such board may determine. To the extent possible, meetings shall be scheduled to coincide with Village Council meetings to promote efficiency. All hearings conducted by such board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicated such a fact, and shall also keep records of its hearings and other official action. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

4.2 Majority Required. The ZBA shall not conduct business unless a majority of the ZBA is present. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, permit, decision, or refusal made by an official, board, or commission.

4.3 Order of Business. The Secretary shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- a) Call to order, roll call, and Pledge of Allegiance.
- b) Public Hearings. The chairperson will declare a hearing open and state its purpose.
- c) Case Number.
 - 1) The zoning administrator presents the petitioner's request, their action on the matter and reasons for their decisions plus a written copy of the petitioner's request.

- 2) The petitioner – through themselves, their agent, their lawyer – may present their case, including presenting witnesses on their behalf.
- 3) Members of the ZBA shall report on their site inspection and any conversations with the petitioner they may have had.
- 4) Members of the public who support the petitioner speak and correspondence is read. At the chairperson's option they may:
 - i. recess the meeting for a short time to allow those in support to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue or for a set duration of time.
 - ii. allow many to speak in favor of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.
- 5) Members of the public who oppose the petitioner speak and correspondence is read. At the chairperson's option they may:
 - i. Recess the meeting for a short time to allow those in opposition to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
 - ii. Allow many to speak in opposition of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.
- 6) Rebuttal. Anyone may ask the chairperson questions on presentations or speeches given at this hearing. The chairperson will seek an answer to the question. Answers shall be given to the chairperson. No discussion, questioning or answering shall take place between any two or more people except between the chairperson and the individual who has the floor.
- 7) Close the hearing. (At this point all public participation on the issue ends.)

4.4 Comments Out of Order. The chairperson shall rule out of order any irrelevant remarks; remarks which are personal, about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not about land use.

4.5 Recesses. The chairperson may, at their discretion, recess a public hearing and/or ZBA meeting to another time or date as necessary based on the progress or duration of the meeting. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and/or public hearing reconvenes over 36 hours after the action to recess, the meeting, to comply with section [3.3] of these rules of procedure. Upon reconvening, a roll call shall be taken as the first order of business.

4.6 Parliamentary Procedure. Meetings shall be conducted in a formal manner, and parliamentary procedure shall be governed by Roberts Rules of Order if not specifically dealt with in these rules of procedure.

4.7 Motions. Motions shall be reiterated by the chair before a vote is taken.

- a) Motions dealing with an appeal or a variance concerning the Village of Brooklyn Code of Ordinances shall be stated with the following parts or stated as two motions:
 - 1) The list of facts which is the information pertinent to making a decision on the matter, structured as a "finding of fact" on the case.

- 2) The conclusion, decision, of the ZBA. This motion, or part of a motion, shall include the following parts:
 - i. The rational, reason, for why the conclusion was made. The rational, reasons, shall contain, at a minimum:
 - a. If the property cannot be used in conformance with the ordinance without the requested or lesser variance.
 - b. If the problem is due to a unique situation not shared in common with nearby property owners.
 - c. If granting the variance would not alter the essential character of an area.
 - d. If the problem requiring a variance was not self-created.

(NOTE): All four of the above points must be found true, or in the affirmative, or a variance shall not be granted.

 - e. Other specific standards for variances are in the Village of Brooklyn Code of Ordinances.
 - f. An explanation of how the facts support the conclusion.
 - ii. The conclusion or decision.
 - iii. Any conditions upon which a variance may be issued, if applicable. Conditions shall be listed in detail and based on regulations or standards already in the Village of Brooklyn Code of Ordinances.
 - iv. Reasons why the conditions are imposed.
- b) Motions dealing with an ordinance interpretation, or any appeal of an administrative decision, shall be stated with the following parts, or stated as two motions.
 - 1) The list of facts which is the information pertinent to making a decision on the matter.
 - 2) The conclusion or decision of the ZBA. This motion, or part of the motion, shall contain the following parts:
 - i. The rationale, or reasons, to explain how the facts support the conclusion.
 - ii. The conclusion or decision.
- c) Any other motion shall be stated in a prose or in the form of a resolution.

4.8 Voting. Voting shall be by roll call vote, and shall be recorded by yeas and nays. Members must be present to cast a vote.

5.0 Other Duties

The ZBA may also formulate and provide advice and may advise policy to the planning commission or any committee thereof, on issues dealing with the administration, text, map and enforcement of the Village of Brooklyn Code of Ordinances.

6.0 Conflict of Interest

The members of the ZBA shall comply with Act No. 196 of the Public Acts of 1973, State of Michigan, as amended as it pertains to the standards of conduct for public officers.

6.0 Adoption and Repeal

Upon adoption of these rules of procedure of the Brooklyn Zoning Board of Appeals and the Brooklyn Village Council, they shall become effective and all previous rules of procedure, as amended, shall be repealed.

7.0 Amendments

These rules may be amended at any regular or special meeting by a majority vote of the total members of the ZBA, so long as such amendment does not result in a conflict with state law, zoning ordinance, or court decision.