



# City of St. Joseph

## Zoning Board of Appeals (ZBA)

### General Membership Information

#### **Purpose of the ZBA**

The ZBA exists to make quasi-judicial zoning decisions. In the City of St. Joseph, the ZBA has three basic roles or functions:

1. Interpret the zoning ordinance (either the map or text);
2. Decide appeals from administrative decisions – 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;
3. Review dimensional variances and approve or deny – if granted, allows a departure from a particular requirement of the zoning ordinance. The City of St. Joseph Zoning Ordinance does not permit use variances to be granted.

The ability for a municipality to create a ZBA is found in the Michigan Zoning Enabling Act. Article XV of the City of St. Joseph Zoning Ordinance creates the ZBA. The ZBA Bylaws and a Code of Ethics provide additional guidance.

#### **ZBA Composition**

There are five (5) voting members on the ZBA and two (2) alternates. ZBA members are typically appointed to three (3) year terms, unless appointed to file a vacant seat. All members are appointed by the City Commission. Full term appointments are from May 1<sup>st</sup> through April 30<sup>th</sup> for three years.

The first and second alternates serve as regular voting members when one or two of the five board members are absent.

In many cases the applicant is looking for a full five member ZBA board to review their case and render a decision. Decision of the ZBA are final; however, appeals may be filed with the Berrien County Circuit Court.

The Chair and Vice-Chair are selected annually by the members of the ZBA.

#### **ZBA Meeting Information**

Beginning in 2020, meetings are scheduled for the second Thursday of each month, beginning at 4:30 pm in the City Commission Chambers. The deadline for submittal is 24 days prior to the meeting.

In addition to the ZBA members attending, there are typically three staff present: Community Development Director/Zoning Administrator, City Attorney and staff from the Inspection Department. Applicants are strongly encouraged to attend to present their applications.

During 2023, the ZBA met eight times and heard eight (8) variance cases.

### **ZBA Member Activities**

Attend the meetings or notify staff as soon as possible when unable to attend.

Familiarize yourself with the City's Zoning Ordinance and follow the applicable provisions when reviewing and making decisions.

Attend training sessions when opportunities are available.

Complete the Citizen Planner Class as offered by Michigan State University Extension.

Follow the adopted Zoning Board of Appeals Bylaws.

Understand and follow the Michigan Open Meetings Act.

Contact staff prior to the meeting if you believe you have a conflict of interest on a pending application.

Come to the meeting prepared – read the agenda packet prior to the meeting and visit the site.

Be fair to everyone and allow them the opportunity to speak and present evidence during the public hearing.

Listen to all public comments made and read the ones submitted in writing.

Ask questions of fellow members, applicant, audience members and staff.

Participate in deliberation of the request and in the preparation of findings based on the nine Dimension Variance Standards, express your opinion.

Remember that hard decisions will have to be made and zoning is not always a popular thing.

### **Staff Support**

The Community Development Director/Zoning Administrator is the primary contact for the ZBA and coordinates with the Chair regarding the cancellation of meetings. The Community Development Director/Zoning Administrator informs the entire ZBA of the upcoming meeting status, serves as secretary for the ZBA, and prepares draft meeting minutes for review at the following meeting.

The Friday before the meeting, staff typically delivers the agenda packet which includes: 1) meeting agenda; 2) draft meeting minutes from last meeting; 3) staff memo; 4) photographs of the site along with an aerial and zoning maps of the surrounding area; and 5) the applicant's completed application with supporting documents. Depending on the case, written public comments received are included in the packet.

The Monday before the meeting, completed packets are typically available on the city website under "Public Hub."

Prior to the first meeting, staff will meet with each new member appointed to provide training on how the ZBA operates, review and provide documents, and answer any questions.

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