



## PLANNING DEPARTMENT

# Memo

**To:** Frederick E. Zorn, Jr. CEcD, Executive Director, Office of Economic & Development Services

**cc:** Shelly Burgor, Asst. Director, Patrick Depa, City Planner, Office of Economic & Development Services

**From:** Lora Fell, Planning Dept.

**Date:** 2/8/2007

**Re:** Planning Commission & Zoning Board of Appeals By-Laws

---

I have been unable to locate any By-Laws for either the Planning Commission or the Zoning Board of Appeals. I cannot find anything to verify that they exist, other than the fact that both operate under the "Robert's Rules of Order", which leads me to believe that they adopted this guideline at some point in the past. However, I cannot find any record of By-Laws being adopted.

Please find attached, copies of State & Municipal law regarding the Planning Commission and Zoning Board of Appeals.

OFFICE OF THE MAYOR  
2007 FEB -9 A 11:05

**Sec. 22-17. Members.**

The planning commission shall consist of nine (9) members who shall be the mayor, one (1) of the administrative officials of the city selected by the mayor and one (1) member of the city council to be selected by it as members ex officio and six (6) persons who shall be appointed by the mayor who shall represent, insofar as possible, different professions or occupations. All members of the commission shall serve as such without compensation and the appointed members shall hold no other municipal office except that one (1) of such appointed members may be a member of the zoning board of appeals. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor. The term of each appointed member shall be three (3) years, or until his successor takes office. After public hearing a member other than the member selected by the city council may be removed by the mayor for inefficiency, neglect of duty or malfeasance in office. The city council may for like cause remove the member selected by it. All ex officio members appointed under this section shall have full voting rights. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him and by the city council in the case of the member selected by the city council.

(Ord. No. 41, § 2, 7-1-57)

State law reference—Similar provisions, MCL 125.33, MSA 5.2993.

**Sec. 22-18. Chairman, meetings, rules, records.**

The planning commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of the chairman shall be one (1) year, with eligibility for re-election. The commission shall hold at least one (1) regular meeting each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, findings, and determinations, which record shall be a public record.

(Ord. No. 41, § 3, 7-1-57)

State law reference—Similar provisions, MCL 125.34, MSA 5.2994.

**Sec. 22-19. Employees, contracts for special services, expenditures.**

The planning commission may appoint such employees as it may deem necessary for its work, and may also contract with municipal planners, engineers, architects and other consultants for such services as it may require. The expenditures of the commission, exclusive of

ARTICLE 44.00  
ZONING COMMISSION

Section 44.01 Designation:

The City Planning Commission is hereby designated as the Commission specified in Article III, of Act 110 of the Public Acts of 2006 [MCL 125.3101-3702], and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

\*Cross references - Administration, Ch. 2; boards and commissions generally, 2-251 et seq.

Act No. 110  
Public Acts of 2006  
Approved by the Governor  
April 7, 2006  
Filed with the Secretary of State  
April 10, 2006  
EFFECTIVE DATE: July 1, 2006  
STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006

ARTICLE III  
ZONING COMMISSION

(PLANNING COMMISSION PER TAYLOR CODE)

Sec. 301. (1) Each local unit of government in which the legislative body exercises authority under this act shall create a zoning commission. A zoning board in existence on the effective date of this act may continue as a zoning commission subject to a transfer of power under subsection (2) or until 5 years from the effective date of this act, whichever is earlier. A planning commission exercising the authority of a zoning board before the effective date of this act may continue to exercise that authority subject to this act.

(2) Except as otherwise provided under this subsection, if the legislative body has transferred the powers of the zoning commission to the planning commission as provided by law, the zoning commission shall be the planning commission of the local unit of government. The legislative body shall have 5 years from the effective date of this act to transfer the powers of the zoning commission to the planning commission. Except as provided under this subsection, 5 years after the effective date of this act, the zoning commission shall not have any authority under this act or an ordinance adopted under this act.

(3) If a zoning commission is created after the effective date of this act, the zoning commission shall be created by resolution and be composed of not fewer than 5 or more than 11 members appointed by the legislative body. Not less than 2 of the members of a county zoning commission shall be recommended for membership by the legislative bodies of townships that are, or shall be, subject to the county zoning ordinance. This requirement may be met as vacancies occur on a county zoning commission that existed on the effective date of this act.

(4) The members of the zoning commission shall be selected upon the basis of the members' qualifications and fitness to serve as members of a zoning commission.

(5) The first zoning commission appointed shall be divided as nearly as possible into 3 equal groups, with terms of each group as follows:

- (a) One group for 1 year.
- (b) One group for 2 years.
- (c) One group for 3 years.

(6) Upon the expiration of the terms of the members first appointed, successors shall be appointed in like manner for terms of 3 years each. A member of the zoning commission shall serve until a successor is appointed and has been qualified.

(7) A vacancy shall be filled in the same manner as is provided under this section for the remainder of the unexpired term.

(8) An elected officer of the local unit of government or an employee of the legislative body shall not serve simultaneously as a member or an employee of the zoning commission, except that 1 member of the zoning commission may be a member of the legislative body.

(9) The legislative body shall provide for the removal of a member of the zoning commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.

(10) The zoning commission shall elect from its members a chairperson, a secretary, and other officers or establish such committees it considers necessary and may engage any employees, including for technical assistance, it requires. The election of officers shall be held not less than once in every 2-year period.

Sec. 302. Members of the zoning commission may be reimbursed for reasonable expenses actually incurred in the discharge of their duties and may receive compensation as fixed by the legislative body.

Sec. 303. (1) With the approval of the legislative body, the zoning commission may engage the services of a planning expert. Compensation for the planning expert shall be paid by the legislative body.

(2) The zoning commission shall consider any information and recommendations furnished by appropriate public officials, departments, or agencies.

Sec. 304. The zoning commission shall hold a minimum of 2 regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the zoning jurisdiction. Notice shall be given not less than 15 days before the meeting. The zoning commission is subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

Sec. 305. The zoning commission shall adopt and file with the legislative body the following recommendations:

(a) A zoning plan for the areas subject to zoning of the local unit of government.

(b) The establishment of zoning districts, including the boundaries of those districts.

(c) The text of a zoning ordinance with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole.

(d) The manner of administering and enforcing the zoning ordinance.

Sec. 306. (1) Before submitting its recommendations for a proposed zoning ordinance to the legislative body, the zoning commission shall hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 103(1) for the initial adoption of a zoning ordinance or section 202 for any other subsequent zoning text or map amendments.

(2) Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

(3) The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

Sec. 307. (1) Following the hearing required in section 306, a township shall submit for review and recommendation the proposed zoning ordinance, including any zoning maps, to the zoning commission of the county in which the township is situated if a county zoning commission has been appointed as provided under this act.

(2) If there is not a county zoning commission or county planning commission, the proposed zoning ordinance shall be submitted to the coordinating zoning committee. The coordinating zoning committee shall be composed of either 3 or 5 members appointed by the legislative body of the county for the purpose of coordinating the zoning ordinances proposed for adoption under this act with the zoning ordinances of a township, city, or village having a common boundary with the township.

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning

committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

(4) The legislative body of a county by resolution may waive its right to review township ordinances and amendments under this section.

Sec. 308. (1) Following the required public hearing under section 306, the zoning commission shall transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the legislative body of the local unit of government.

(2) Following the enactment of the zoning ordinance, the zoning commission shall at least once per year prepare for the legislative body a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

ARTICLE 43.00  
ZONING BOARD OF APPEALS

**Section 43.01 Creation and Membership:**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Article VI of Act 110 of Public Acts of 2006 [MCL 125.3101-3702], and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of five (5) members appointed by the City Council. The first member of which shall be a member of the City Planning Commission. Appointments shall be as follows: One (1) member appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years respectively; thereafter each member to hold office for a full three (3) year term. Any vacancies in the Board shall be filled by appointment by the Council for the remainder of the unexpired term. The Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the appointed members of the Zoning Board of Appeals shall be that permitted by law and confirmed by the City Council.

The City Council shall also appoint two alternate members of the Zoning Board of Appeals. Appointments shall be as follows: One alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the Board shall be filled by appointment by the Council for the remainder of the unexpired term. The alternate members shall:

1. Sit as regular members of the Zoning Board of Appeals in the absence of a regular member, if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days.
2. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.

Alternate members shall have the same voting rights as regular member of the Zoning Board of Appeals. Alternate members shall receive equal compensation for the meetings attended as does a regular member. Alternate members shall be appointed by the Zoning Board of Appeals' Chairman to sit on the Zoning Board of Appeals. Whenever possible, these two alternates should be provided the opportunity to rotate as members of the Zoning Board of Appeals.

**Section 43.02 Application:**

An application shall include at a minimum: a legal description of the property; existing and proposed building and property dimensions adequate to describe the nature of the request; the need for zoning relief; and the type of relief sought by the petitioner (i.e., appeal from an adverse administrative interpretation of the Ordinance, variance from parking requirements, approval of temporary building or use request).

Cross references - Administration, Ch. 2; boards and commissions generally, 2-251 et seq.

### **Section 43.03 Meetings:**

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by the said Board shall be open to the public. The City Clerk, or his/her representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. A majority of the Board shall constitute a quorum for the conduct of its business. 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.

### **Section 43.04 Appeal:**

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or any officer, Department, Board or Bureau affected by a decision of the administrative official. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the official from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The official shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the official certifies to the Zoning Board of Appeals after notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall be stayed, otherwise than by a restraining order, which may be granted by a court of record. No appeal shall be taken to the Zoning Board of Appeals from a decision of the City Planning Commission in connection with a special land use.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

### **Section 43.05 Jurisdiction:**

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, except as specifically provided for in this section, nor to make any changes in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, or interpretation, and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

#### **1. Administrative Review**

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.

#### **2. Interpretation**

To hear and decide in accordance with the provisions of this Ordinance:

##### **A. Appeals for the interpretation of the provisions of the Ordinance.**



- B. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject.

3. Dimensional Variances

The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must show "practical difficulty" by demonstrating:

- A. Whether strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
- B. Whether a variance would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
- C. Whether the plight of the owner is due to the unique circumstances of the property; and,
- D. Whether the problem is self-created.

4. Use Variances

Variances in land use are expressly prohibited.

5. Approval of Temporary Buildings and Uses

The Zoning Board of Appeals may permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the City and for periods not to exceed six (6) months in developed sections.

The Zoning Board of Appeals may also permit upon proper application, temporary uses which are not otherwise permitted in any district which do not require the erection of any substantial capital improvement of a structural nature. Said temporary permit shall initially be granted for a period not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible after a public hearing for each such extension.

The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- B. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

- C. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Municipality shall be made at the discretion of the Zoning Board of Appeals.
  - D. In classifying uses as not requiring substantial capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
  - E. The use shall be in harmony with the general character of the district.
  - F. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
6. In consideration of all appeals and all proposed variations to this Ordinance the Zoning Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety and welfare of inhabitants of the Municipality. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such Ordinance or to effect any variation in such Ordinance [in accordance with Public Act 110, 2006]. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Legislative Body of the City of Taylor, in the manner provided by law.
7. No appeal shall be taken to the Zoning Board of Appeals from a decision of the City Planning Commission in connection with a special approval use or planned unit development approval. All such appeals shall be to a court of competent jurisdiction.
8. No appeal shall be taken to the Zoning Board of Appeals from a decision of the City Planning Commission in connection with an approved site plan unless such appeal has first been reviewed by the Planning Commission and a recommendation regarding the variance is provided by the Planning Commission.

#### **Section 43.06 Orders:**

In exercising the above powers, the zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Department from whom the appeal is taken.

The Zoning Board of Appeals shall render its decision within sixty (60) days of the date of the hearing of the appeal, unless in the opinion of the Zoning Board of Appeals, an extension of time is necessary to review information pertinent to rendering a decision.

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision may appeal to circuit court. The Zoning Board of Appeals shall keep a record of all decisions which shall include the procedures used in arriving at a decision and all material and evidence gathered by the Board in arriving at a decision.

#### **Section 43.07 Notice:**

The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by the Board. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Zoning Board of Appeals, may be affected by any matter brought before it, which shall in all cases include all persons to whom any real property within three hundred (300) feet of the premises in question shall be assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet, such notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll, and shall decide the same within a reasonable time. If the tenant's name is not known, the term occupant may be used. The Zoning Board of Appeals may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

#### **Section 43.08 Miscellaneous:**

No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

#### **Section 43.09 Resubmittal:**

No appeal which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the effective date of said order of denial, except on the grounds of new evidence or proof of a change in conditions found to be valid by the zoning board of appeals.

#### **Section 43.10 Fees:**

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals.

Act No. 110  
Public Acts of 2006  
Approved by the Governor  
April 7, 2006  
Filed with the Secretary of State  
April 10, 2006  
EFFECTIVE DATE: July 1, 2006  
STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006

ARTICLE VI

ZONING BOARD OF APPEALS

Sec. 601. (1) In each local unit of government in which the legislative body exercises the authority conferred by this act, the legislative body shall appoint a zoning board of appeals. A zoning board of appeals in existence on the effective date of this act may continue to act as the zoning board of appeals subject to this act.

(2) The legislative body of a city or village may act as a zoning board of appeals and may establish rules to govern its procedure as a zoning board of appeals.

(3) In appointing a zoning board of appeals, membership of that board shall be composed of not fewer than 5 members if the local unit of government has a population of 5,000 or more and not fewer than 3 members if the local unit of government has a population of less than 5,000. The number of members of the zoning board of appeals shall be specified in the zoning ordinance. One of the regular members of the zoning board of appeals shall be a member of the zoning commission or of the planning commission if the duties and responsibilities of the zoning commission have been transferred to the planning commission.

(4) The remaining regular members, and any alternate members, shall be selected from the electors of the local unit of government residing within the zoning jurisdiction of that local unit of government. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.

(5) One regular member may be a member of the legislative body but shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the legislative body may not serve as a member of the zoning board of appeals.

(6) The legislative body may appoint not more than 2 alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified 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. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

(7) A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

(8) A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(9) 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. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

(10) A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

Sec. 602. (1) Meetings of the zoning board of appeals shall be held at the call of the chairperson and at other times as the zoning board of appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

(2) The zoning board of appeals shall maintain a record of its proceedings which shall be filed in the office of the clerk of the legislative body.

Sec. 603. (1) The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance.

(2) The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

Sec. 604. (1) An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The zoning board of appeals shall state the grounds of any determination made by the board.

(2) An appeal under this section shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by the filing with the officer from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the

zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

(3) An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.

(4) Following receipt of a written request concerning a request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 103.

(5) Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

(6) At the hearing, a party may appear in person or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

(7) If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The ordinance shall establish procedures for the review and standards for approval of all types of variances. The zoning board of appeals may impose conditions as is otherwise allowed under this act.

(8) The zoning board of appeals of all local units of government shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.

(9) The authority to grant variances from uses of land is limited to the following:

(a) Cities and villages.

(b) Townships and counties that as of February 15, 2006 had an ordinance that uses the phrase "use variance" or "variances from uses of land" to expressly authorize the granting of use variances by the zoning board of appeals.

(c) Townships and counties that granted a use variance before February 15, 2006.

(10) The authority granted under subsection (9) is subject to the zoning ordinance of the local unit of government otherwise being in compliance with subsection (7) and having an ordinance provision that requires a vote of 2/3 of the members of the zoning board of appeals to approve a use variance.

(11) The authority to grant use variances under subsection (9) is permissive, and this section shall not be construed to require a local unit of government to adopt ordinance provisions to allow for the granting of use variances.

Sec. 605. The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under section 606.

Sec. 606. (1) Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

(a) Complies with the constitution and laws of the state.

(b) Is based upon proper procedure.

(c) Is supported by competent, material, and substantial evidence on the record.

(d) Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

(2) If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

(3) An appeal under this section shall be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

Sec. 607. (1) Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government made under section 208 may obtain a review in the circuit court for the county in which the property is located. The review shall be in accordance with section 606.

(2) Any person required to be given notice under section 604(4) of the appeal of any order, determination, or decision made under section 208 shall be a proper party to any action for review under this section.