



**House
Legislative
Analysis
Section**

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TWP ZONING BOARD OF APPEALS

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House Bill 5394 and 5395
Sponsor: Rep. Roland G. Niederstadt
Committee: Towns and Counties

Complete to 2-14-90

A SUMMARY OF HOUSE BILLS 5394 AND 5395 AS INTRODUCED 1-17-90

The bills basically would transfer language in the township planning commission act (which allows township boards to appoint regular and alternative members to township zoning boards of appeals) to the Township Rural Zoning Act. The bills are tie-barred to each other.

The township planning commission act (Public Act 168 of 1959) allows township boards to appoint up to two alternate members to the board of appeals, for the same term, and with the same voting rights, as regular members of the board. If a regular board member can't come to two or more consecutive board meetings or to meetings for more than 30 consecutive days, an alternate member can be called to serve (as specified in the zoning ordinance). If a regular member abstains, because of conflict of interest, from voting on a case, an alternate member can be called to serve as a regular member in the case until the board of appeals makes a final decision.

House Bill 5394. The Township Rural Zoning Act (MCL 125.288) requires townships governed by the act to appoint township zoning boards of appeals. In townships of more than 5,000 people, the zoning board of appeals must have at least five appointed members, while in townships of fewer than 5,000 people, the board must have at least three members (with the precise number of members to be specified by the township board in the zoning ordinance). The bill would amend the act to allow the appointment of alternate members to the board of appeals as now permitted in the township planning commission act.

House Bill 5395 would strike from the township planning commission act (MCL 125.331) the provisions for the appointment of alternate members to the appeals board, and would allow the township board, by resolution, to transfer to the planning commission all powers and duties provided by the Township Rural Zoning Act. The bill also would strike the requirement that, in townships where the powers and duties had been transferred to the planning commission, the first member of the board of appeals be a member of the township planning commission.

House Bills 5394 & 5395 (2-14-90)