

What is a Zoning Board of Appeals?

A **Zoning Board of Appeals (ZBA)** is a quasi-judicial body authorized to hear and decide matters as required by the Michigan Zoning Enabling Act and the municipality's zoning ordinance. ZBA's provide an opportunity for appeals and interpretations at the local level. All actions of the ZBA are application driven. Decisions of the ZBA are final. A party aggrieved by a decision made by the ZBA may appeal to the circuit court in accordance with the procedures established by the Michigan Zoning Enabling Act.

The following is a summary of the Michigan Zoning Enabling Act which specifies the authority, membership, and guidelines of the ZBA:

Authority: Michigan Zoning Enabling Act (P.A. 110 of 2006 and P.A. 33 of 2008)
Zoning Ordinance

Creation: Appointed by majority vote of the legislative body

Membership: Number of members must be specified in zoning ordinance with the following rules:

- Minimum of 3 members in municipalities with a population of less than 5,000
- Minimum of 5 members in municipalities with a population of 5,000 or more
- Maximum of 2 alternate members (optional)

Composition: Members must be residents of the municipality

County and township: 1 regular member must be a member of the Planning Commission

City or village: 1 regular member may be a member of the Planning Commission

1 regular or alternate member may be a member of the legislative body (may not serve as chair)

Members may not be employees or contractors of the municipality

Terms: 3-year terms, staggered

Removal: By the legislative body; for misfeasance, malfeasance, or nonfeasance in office; upon written charges; and after public hearing

Meeting: At the call of the chair or as specified in ZBA rules of procedure (Bylaws)

Quorum: Majority of regular members

Vote: Concurring vote of 2/3 of total membership is required to:

- Grant a use variance

Concurring vote of majority of total membership is required to:

- Grant a non-use variance
- Reverse an administrative order, requirement, decisions, or determination
- Decide in favor of an applicant on any other matter

Concurring vote of majority of members present (quorum) is required to:

- Conduct all other administrative business

Record: Must be filed in the Clerk's office

Responsibilities: Official interpretations of zoning ordinance text and map

Appeals from administrative orders, requirements, decisions, and determinations

Appeals from special land use and PUD decisions (if permitted by zoning ordinance)

Variances from zoning ordinance standards

Other as specified by zoning ordinance

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Additional Resources:

[Michigan Zoning Enabling Act, P.A. 110 of 2006](#)

[Michigan Planning Enabling Act, P.A. 33 of 2008](#)

[Michigan Association of Planning publications-Zoning Board of Appeals TOOLKIT](#)