

ZONING BOARD OF APPEALS

CITY OF LINDEN

BY-LAWS

I. Officers and their duties:

A. The Officers of the Board shall consist of a Chairman, Vice Chairman, and Secretary, all of whom shall be appointed members of the Board.

B. The Chairman shall have the privilege of discussing all matters before the Board and to vote on these matters. The Chairman shall call meetings, preside at all meetings, appoint such committees as shall from time to time be deemed necessary, administer oaths and compel attendance of witnesses, sign all vouchers authorized by the Board and perform other duties that may be delegated by the Board.

C. The Vice Chairman shall act for the Chairman in his absence.

D. The Secretary shall keep the minutes and records of the Board.

E. The City Manager or his designee shall act as staff for the Zoning Board of Appeals. As such he shall attend to correspondence of the Board, prepare the agendas of regular and special meetings, provide notice of meetings to Board members, arrange proper and legal notice of hearings, keep a record of all vouchers authorized by the Board and keep a copy of all transcripts, records, plans, plats, etc. brought before the Board.

II. Election of Officers:

A. Nominations of officers shall be made from the floor at the annual organizational meeting, which shall be the first meeting of the calendar year in January, and the elections shall follow immediately thereafter. Newly elected officers will assume their office immediately.

B. A candidate receiving a majority vote of the membership present shall be declared elected.

C. Vacancies in offices shall be filled immediately by regular election procedure.

III. Meetings

A. Regular meetings may be held as needed on the second Tuesday of January, April, July and October. The regular meetings shall commence at 7:00 p.m. in the Council Chambers at

201 N. Main Street. Special meetings will be scheduled on an as-needed basis on the second Tuesday of the month. When a regular meeting is scheduled for a holiday, the meeting shall be held on such other day as determined by the Board.

B. Four (4) members of the Board shall constitute a quorum and the number of votes necessary to transact business shall be four (4). A record of the vote shall be kept as a part of the minutes.

C. All members of the Board shall vote on every motion placed on the floor unless there is a conflict of interest. In the event that a member of the Board shall question whether he or any other member has a conflict of interest, the question shall be submitted to the City Attorney who shall review the facts and issue an opinion.

D. Robert's Rules of Order shall be used except where they conflict with the By-Laws, State Statute, the City Charter or the Linden Municipal Code.

E. All meetings at which official action is taken shall be open to the general public.

F. Any member of the Zoning Board of Appeals who misses three (3) consecutive meetings of the Board shall be subject to removal by a majority vote of the City Council. Written notice to the member being considered for removal shall be made at least seven (7) days prior to the City Council meeting at which removal will be considered.

IV. Order of Business:

The order of business at regular meetings shall be:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
- IV. Public Hearings
- V. Citizens Comments - Persons wishing to address the Board are asked to state their name and address for the record and limit their comments to five (5) minutes and ten (10) minutes if representing a group of persons.
- VI. Correspondence
- VII. Unfinished Business
- VIII. New Business

IX. Board Member & Committee Reports.

X. Adjournment

This order of business may be suspended by a vote of the Board.

V. Committees:

The Chairman shall appoint such committees as he deems necessary subject, however, to the mandates of the State Statutes, City Charter and the Linden Municipal Code. Any committee appointed shall be given a specific task along with a specific date upon which the committee will expire.

VI. Hearings and Proceedings:

A. The Board shall conduct such hearings and proceedings as provided for in the Zoning Code for the City of Linden or as provided for by State Statute.

B. Notice of such hearings shall be as required by City Ordinance and/or State Law, and, in cases in which certain property is in issue, the Board shall give fifteen (15) days notice to all owners of record of property within a radius of three hundred (300) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the latest assessment roll.

C. The case before the Board shall be presented in summary by Staff. Parties in interest shall have privilege of the floor. No record of statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.

D. When deciding an appeal, when rendering an opinion or when granting or denying a variance, special approval or exception, the Board shall make specific findings of fact or conclusions of law. These findings and conclusions shall be made a part of the minutes. The Board shall consider those standards required by the Zoning Code and State Law and any other standards or factors deemed necessary by the Board. A site visit by the Board as a whole is allowable upon a majority vote of the members present. No action shall be taken during a site visit. A site visit shall be recorded in the minutes of the Board.

E. In order to be included on the agenda of the Board a petitioner shall submit his or her request at least twenty-eight (28) days prior to the regularly scheduled meeting. The request shall

be submitted on a form provided by the City at the office of the City Clerk. All fees must be paid in order for the request to be deemed "submitted".

F. The City administration shall submit to each Board member ten (10) days before the regularly scheduled meeting a copy of the petition as well as a copy of the administration's findings and recommendation.

VIII. Amendments:

These By-Laws may be amended by a two-thirds (2/3) vote of the entire membership of the Board.

ADOPTED as amended by the City of Linden Zoning Board of Appeals at a regular meeting on the 13th day of January, 2009.

Steve Mammel, Chairperson

ATTEST:

Chris Kinyon, Secretary