

**House Bills 4294 - 4296**  
**Sponsor: Rep. Patricia Lockwood**  
**Committee: Local Government and**  
**Urban Policy**

**Complete to 4-12-01**

**A SUMMARY OF HOUSE BILLS 4294 - 4296 AS INTRODUCED 2-20-01**

The bills would prohibit the members of zoning boards of appeal at local levels of government from reviewing the zoning decisions in which they had earlier participated.

House Bill 4294 would amend the County Zoning Act (MCL 125.218) to allow county boards of commissioners (who appoint from 3 to 7 members to form a county zoning appeals board) to appoint not more than two alternate members for the same term as regular members. Under the bill, the alternate members could be called on a rotating basis, as specified in the zoning ordinance, to sit as regular members of the boards of appeals in the absence of a regular member. The alternate also could be called to serve in place of a regular member when that member abstains from voting. The bill specifies that a regular member would be required to abstain if required by law, because of a conflict of interest, or if the regular member made or participated as a member of the body that made the order, requirement, decision, or determination being appealed. The bill further specifies that the alternate member who is called would serve in the case until a final decision is made, and that while serving, would have the same voting rights as a regular member of the board of appeals.

House Bill 4295 would amend the City and Village Zoning Act (MCL 125.585), which allows the legislative body of a city or village to act as a board of appeals on questions that arise under a zoning ordinance. However, the bill would prohibit the legislative body from serving as the zoning board of appeals if it had reviewed and approved special land uses or planned unit developments, and the zoning ordinance provided that these or other decisions made by the legislative body were appealed to the zoning board of appeals.

Under the law, a legislative body also may appoint a board of appeals of not less than five regular members, and up to two alternate members. Under the bill, a regular member would be required to abstain from voting if required by law, because of a conflict of interest, or if the regular member made or participated as a member of the body that made the order, requirement, decision, or determination being appealed.

House Bill 4296 would amend the Township Zoning Act (MCL 125.288), which allows a township board to appoint a board of appeals of from three to five regular members, and that also may have up to two alternate members. The members must disqualify themselves from voting when they have conflicts of interest. Under the bill, an alternate member could be called on a

rotating basis. Further, a member also would be required to abstain from a vote if the member made or participated as a member of the body that made the order, requirement, decision, or determination being appealed.

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.