

**APPENDIX A - CHARTER TOWNSHIP OF HARING ZONING BOARD OF APPEALS****RULES OF PROCEDURE (ZBA APPEALS)**

Authority - These rules of procedure are adopted to the authority conferred upon the Haring Charter Township Board of Appeals by Chapter 7, Section 701(3) (e) of the Haring Charter Township Zoning Ordinance (Ordinance No. 45), as amended.

Appeals from administrative decisions and/or decisions of the Haring Township Planning Commission brought before the Zoning Board of Appeals (ZBA) shall be heard pursuant to the following procedures:

- R1. **Chairperson** - The Chairperson of the ZBA shall preside over appeals brought before the ZBA. If the Chairperson is absent or disqualified from consideration of any matter, the remaining members of the ZBA shall, by majority vote, appoint a Chairperson Pro Tem to serve on that occasion in lieu of the regular Chairperson.
- R2. **Opening Statements** - The party appealing a decision (appellant) and the party supporting a decision (appellee) or their representatives shall each make an opening statement, concisely stating the issue to be considered and summarizing evidence to be adduced in support of their respective positions. Appellant shall give the first opening statement to be followed by the appellee.
- R3. **Presentation of Evidence** -
- a. **Cases in Chief.** Appellant shall introduce testimonial or other evidence in support of its position, subject to evidentiary rules set forth below. Appellant shall present its case first, followed by Appellee who may then present evidence in support of its position.
  - b. **Rebuttal.** Appellant and Appellee may present evidence in rebuttal of the opposite party's case in chief. Rebuttal evidence should be presented and received only in response to matters raised by a party in its case in chief.
  - c. **Sur-Rebuttal.** New evidence in response to a party's rebuttal may be allowed at the discretion of the Chair to the extent deemed necessary to insure development of a complete record. Again, new matters should not be raised.
- R4. **Closing Statements** - After proofs are concluded, the appellant and appellee or representatives may each make a closing statement, summarizing evidence presented and stating how the

evidence supports their respective positions. Appellant has the option to give the first closing statement.

- R5. **Evidentiary Rules** - All evidence received shall be subject to the following rules:
- a. Witnesses shall swear or affirm that their testimony shall be true.
  - b. The Michigan Rules of Evidence shall not apply.
  - c. Relevant, material and competent evidence shall be received.
  - d. The chairperson shall rule on objections as to relevance, competence and materiality of evidence.
  - e. The chairperson may exclude evidence that is cumulative, immaterial or not relevant to the issue before the ZBA.
  - f. Each party or representative may cross-examine the other party's witnesses.
  - g. Individual members of the ZBA may cross-examine any witness.
  - h. Each party may redirect, subject to re-cross by the other party.
  - i. Witnesses may be permitted to testify in narrative fashion at discretion of the Chair.
- R6. **Exhibits** - All exhibits shall be marked for identification purposes.
- a. Appellant's exhibits shall be designated numerically. (e.g.; 1-10)
  - b. Appellee's exhibits shall be designated alphabetically (e.g.; A-Z)
- R7. Proposed findings - At the conclusion of proofs, each party may submit proposed findings of fact and conclusions of law, in writing, for consideration by the ZBA.
- R8. Amendment - Additions, deletions, amendments or modifications of these rules may be made by a majority vote of all the members of the ZBA.

Adopted: August 26, 2002

This page intentionally left blank