

City of Keego Harbor
ZONING BOARD OF APPEALS MEETING MINUTES
WEDNESDAY, APRIL 23, 2018 7:00 PM
2025 Beechmont

CALL TO ORDER: Vice Chairman Bernstein called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

Vice Chairman Stephen Bernstein, Board Members David Emerling, Scott Balutowicz, John Fletcher and Brian Lampl.

Staff Present: City Planner Jason Smith, City Manager Linda Voll and Tom Ryan.

MEETING OPEN TO THE FLOOR

No one addressed the Board Members, closed to the floor for comment.

NEW BUSINESS

ZBA Training Session: Jason Smith/ Tom Ryan

Member John Fletcher requested this training: he feels that people are using the ZBA to get around going to the Planning Commission and circumvent the ordinance. The ZBA is a quasi-judicial board that listens to appeals and zoning variances. The ZBA has to determine between two criteria 1) Dimensional variance must prove practical difficulty or 2) Use variance show hard ship. The ZBA needs support the Planning Commission, they write our ordinances.

Planner Jason Smith: Rules and conduct of the ZBA and guidelines come from the State of Michigan, Zoning Enabling Act (ZEA).

PowerPoint presentation by Planner Smith to address the listed items

1. Role and Authority
2. Membership
3. Voting
4. Variances
5. Operations & Administration
6. Direction from the Courts

MICHIGAN ZONING ENABLING ACT

Act 110 of 2006

AN ACT to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

If you pay the \$400.00 or \$800.00 application fee, there is no guarantee that the request will be approved. It is not the ZBA's job to design the project. If several of the same issues have come before the ZBA, maybe the Planning Commission should look at the Ordinance. It is the Planning Commission's job to amend an Ordinance. A Variance should be hard to get. A use variance should be extremely hard to get. Each ZBA case is looked at individually, a case by case. The ZBA can grant a lessor variance, and put conditions on the variance. If a ZBA case is denied, an appeal can be filed with Circuit Court.

Meeting conduct: All conversation during the meeting is directed to the Chair. During Public comment time, this allows the public to make a comment (Comment Only) not interactive conversation.

Discussion on changing the ZBA bylaws: Public comment rules and time, this will be added to the May agenda.

Tom Ryan addressed the variance issue:

An applicant may ask for more than needed in a variance. If an applicant is asking for a 10 x 20 deck, needing a 5 foot variance. The ZBA could look at the request and scale it back rather than deny the application.

ZBA Members should do an individual sight visit of applicant's property prior to the hearing date. The applicant will need to stake the area of the request if applicable. This information will be added to the permit.

Open Meeting Act: A quorum for ZBA is 3 members. At no time should ZBA members email or text ZBA members, asking for a meeting pertaining to a ZBA upcoming case. ZBA members should not discuss the upcoming case with other ZBA members or the applicant prior to the hearing. (This would also allow all ZBA Members to come to the hearing with the same amount of information to make a decision.)

Members Comments:

What type of action does the ZBA take if we get reoccurring issues? The ZBA can defer to the Planning Commission for review; the Zoning Administrator would create a memorandum for the Planning Commission.

Election of officers:

Member Fletcher made a motion to nominate Brian Lampl as Chairman, support by member Emerling.

Ayes: 5

Nays: 0

Motion carried

Member Fletcher made a motion to nominate Scott Balutowicz as Vice Chairman, support by member Emerling.

Ayes: 5

Nays: 0

Motion carried

APPROVAL OF MEETING MINUTES

Approved 5/23/18

- January 24, 2018
- February 28, 2018

Motion by Member Lampl to table the January 24, 2018 meeting minutes, support by Member Balutowicz.

Ayes: 5 Nays: 0 Motion Carried

Motion by Member Lampl to approve the February 28, 2018 meeting minutes, support by Member Fletcher.

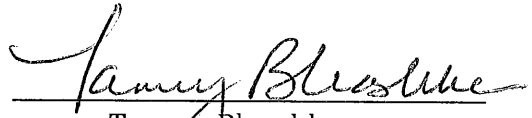
Ayes: 5 Nays: 0 Motion carried.

ADJOURNMENT

Being no further business Vic Chairman Bernstein adjourned the Zoning Board Meeting at 9:30 p.m.



Stephen Bernstein
Vice Chairman



Tammy Bleashka
Administrative Clerk