

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
December 15, 2014**

1. CALL TO ORDER

The meeting was called to order by Chair Kenneth Dignan at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

AND DETERMINATION OF QUORUM

Roll call:

Tim Anderson	Absent
Doug DelFavero	Present
Kenneth Dignan	Present
Greg Kolicki	Present
Jacqueline Otto	Present
Gary Wellings, Alternate (presence not required)	Absent

Also present:

Township Manager Howard Fink
Planning Consultant Laura Kreps,
Carlisle-Wortman Associates
Zoning Administrator Kurt Weiland
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

Dignan removed the Budget and Training item.

- ▶ **Motion:** DelFavero, moved, Otto supported, that the agenda be adopted as amended.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

None.

7. NEW BUSINESS

None.

8. REVIEW OF BYLAWS

Laura Kreps of Carlisle-Wortman said she had updated the by-laws only to conform to current Michigan law. She noted that only one alternate ZBA member is called for in the by-laws, but two are allowed by law. Dignan said there would be no cost to the Township to have a second alternate, and there have been times when that would have been useful. He noted that a majority of the five members is required for applications to be

approved, so to be fair to applicants it is important to have five members present when possible.

Kreps called attention to the new language limiting anyone serving on both the ZBA and Planning Commission to being an officer of only one entity. Dignan—Secretary of the Planning Commission in addition to serving as Chair of the ZBA—said he was unaware of this requirement under State law and would be resigning as Commission Secretary.

Regarding frequency of meetings, Kreps said there is no legal requirement for the ZBA to meet on a regular basis or a minimum number of meetings per year, so the ZBA could consider changing the current by-law requirements of four meetings per year on a regular schedule. Dignan suggested that ZBA meet at least every January, and he noted this could be an opportunity for training to be provided. It was agreed to state that the ZBA will meet in January in the Township Hall and at other times as needed.

There was discussion about the idea of designating one meeting each year for applicants to make requests at a reduced fee. Fink noted that most ZBA requests are minor matters made by individual property owners and the \$850 fee for those types of things is quite expensive. He said it would be appropriate for the ZBA to make a recommendation about this to the Township Board.

Dignan said the fee was intended to cover the cost of meeting fees paid to ZBA members and the recording secretary and staff time. Kreps said fees differ among other communities, and \$850 is the highest she knows of, but some communities also have different rates for residential and commercial properties. Weiland said he can research fees in neighboring communities.

Regarding cancellation of meetings, Dignan asked that the requirement be whatever is required by the State Open Meetings Act rather than the five days in the current by-laws.

Dignan noted that per State law the Planning Commission representative to the ZBA may not vote on matters which that person voted on as Planning Commissioner. In answer to a question from Otto, Kreps said the Planning Commission representative should probably not conduct the meeting when such issues are voted on; rather an alternate should be called upon.

Referring to item 3G, Dignan asked Fink for an interpretation of what "a reasonable time" would be for acting on ZBA applications. Fink said within 30 days should be appropriate for the ZBA. Kreps noted that allows time for the required legal notice and to call a meeting.

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Fink recommended that item 3.H.b—Placing Agenda Items by Citizens—be removed. He said agendas are dictated by the ZBA, and members of the public should make requests to the Chair.

Dignan asked that the agenda order listed be altered to reflect the order of the current meeting, with the exception that ZBA member Comments follow the Call to the Public.

It was agreed that no changes were needed to the sections on Meeting Minutes, Governing Procedures, Public Hearings, Special Meetings, Committees and Committee Meetings, and Closed Meetings.

In Article 3, Item.O, Dignan asked that a statement indicating that all decisions made by the ZBA shall be communicated to the Planning Commission and Township Board.

Kolicki said the wording in Section 5.C is not clear. Kreps said she will working on that.

Regarding the requirement in 6.D that vacancies be filled within 21 days, Kreps said she will check to see what State law requires. Fink noted that even with a vacancy the ZBA can continue to hold meetings. He said the State's ZBA statute allows any Township Board member to bring a candidate to the Board to vote on. He said for that reason the statement in Section 1.D should be changed to, "All members shall be ~~recommended by the Supervisor and~~ approved by the Board." He added it would be good policy to include requirements that candidates provide information about their expertise, interest, or other support for serving on the ZBA.

Otto recalled that recently for a Planning Commission vacancy several interested candidates were invited to present information about themselves to the Township Board. It was agreed a process of that type should be followed.

Regarding Section 7, Conflicts of Interest, Kreps said while a ZBA member with a conflict on a particular case may participate in the rest of the meeting, for the case involving the conflict the member should leave the room. In answer to a question from Dignan, she said no motion to allow that member to abstain is necessary.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on January 20, 2015.


Kenneth Dignan, Chair

Tim Anderson, Secretary

Regarding Section 8, Annual Report and Budget Request, Dignan suggested that submittal of an annual report be changed from June to January.

Kreps said she will provide a revised version to the ZBA in January.

9. BUDGET AND TRAINING

Removed from the agenda.

10. UNFINISHED BUSINESS

None.

11 MINUTES

- ▶ **Motion:** Otto moved, DelFavero supported, that the minutes of the August 18, 2014, regular meeting be approved as presented.
Motion carried 5—0 on a voice vote.

12. ZBA MEMBER COMMENTS

Dignan welcome Kolicki to the ZBA.

Fink noted that the entire Township code, including the zoning ordinance, is now available online.

13. CALL TO THE PUBLIC

None present.

14. ANNOUNCEMENT OF NEXT MEETING

Tuesday, January 20, 2015, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

12. ADJOURNMENT

- ▶ **Motion:** DelFavero, Kolicki supported, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:09 P.M.