

MEETING
GLEN ARBOR TOWNSHIP BOARD OF APPEALS
Monday, June 11, 2018 at 1 pm
GLEN ARBOR TOWNSHIP HALL

PRESENT: Denny Becker, Bill Freeman, Pam Lysaght, Don Lewis, Alternate Member Andrew Dotterweich, Zoning Administrator Tim Cypher, Recording Secretary Dana Boomer

ABSENT: Harvey Warburton (excused)

GUESTS: 0

CALL TO ORDER: Chairman Bill Freeman called the meeting to order at 1:00 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA: Dotterweich moved, Lysaght seconded to approve the agenda as presented. All in favor, motion carried.

CONFLICT OF INTEREST: None

APPROVAL OF MINUTES: Dotterweich moved, Lysaght seconded to approve the minutes of April 19, 2018 as presented. All in favor, motion carried.

PUBLIC COMMENT: None

OTHER BUSINESS:

Bylaws - The draft bylaws had been presented to the board by e-mail, incorporating the comments from the last meeting and comments from the township's attorney. The board briefly discussed the changes proposed by the attorney. In the new bylaws, appeals will be allowed within 60 days, whereas in the past, there was no time limit for appeals. For past actions, the township attorney has suggested putting a notice in the paper notifying the public of the change. The board discussed this, and the timeframe to be allowed for appeals from past decisions after the notice is published. The board determined that, from the time of the public notice, 60 days will be allowed for appeals on past decisions.

Dotterweich stated that he is interested in why there is duplication between the ZBA bylaws and the zoning ordinance, regarding membership, duties and terms of office. The ZBA and staff discussed this. The ZBA discussed, rather than spelling out the duties, membership, etc., in both places (bylaws and zoning ordinance), just referring to the zoning ordinance in the bylaws with regards to these issues. The same would hold true for any state legislation that govern ZBAs. The board discussed whether or not they wanted the information restated. Lewis argued that it is useful to have all of the information in one spot, so that you don't have to look in multiple locations for information related to the ZBA.

Dotterweich also asked about the addition of a severability clause, which would make it so that if any part of the bylaws was out of compliance with township ordinance or state law, the remainder of the bylaws would still be in effect.

The board asked to have a severability clause that make the bylaws subservient to both the Zoning Ordinance and state law added, and a reference made in Section 1 that refers to the Zoning Ordinance and state law. Cypher will work with Township Attorney Figura to draft this language.

The board discussed the language related to training, and whether the wording of the training section should be that training is allowed, encouraged or required, as well as how much the township will pay for. Members extensively discussed how to rewrite this section. The inclusion of language related to encouraging members to participate in training in planning and zoning was discussed. The board extensively discussed whether members, either existing or new, should be either required or encouraged to attend training in order to be a member of the ZBA, and how members of the ZBA should be chosen and how much experience in planning and zoning they should have. It is the responsibility of the Township Board to select ZBA members, and set the qualifications for selected members. The members asked Cypher to work with Figura and Lewis to work with the township board to determine the qualifications and training needs for ZBA members. Qualifications are the bailiwick of the township board, while Figura should be asked about the wording of encouraging versus requiring training annually on planning and zoning, open meeting act, etc., and how to require members to remain current on pertinent issues.

In the Officers section, under chairs duties, regarding calling special meetings as needed, change to "Chair can call or cancel meetings as required." The board briefly discussed the section regarding ruling remarks out of order, but made no changes. Regarding the Zoning Administrator duties, the board discussed when the ZA should consult with the ZBA regarding interpretation of the Zoning Ordinance. This was changed to "Consult with the ZBA on interpretation of the Zoning Ordinance, as appropriate".

The board discussed how applications for zoning variances or appeals shall be made. They discussed how public notices shall be made on building decisions. All decisions of the zoning administrator are public knowledge, and anyone who was unaware they were affected by a decision made more than 60 days prior by the zoning administrator would have a case that they didn't know they were affected.

The board briefly discussed conflicts of interest and ex parte communication, and how ex parte communication relates to the site visits. They also discussed whether site visits should be required or encouraged. The board discussed the process for taking action in the absence of an applicant. No changes were made to these sections.

Cypher requested, as he had prior to this meeting, that any further comments will be sent to him after the minutes are circulated and before the next meeting. Cypher will integrate the changes discussed today and any other potential changes and recirculate another draft of the bylaws. Another ZBA meeting will be scheduled to further discuss the bylaws.

PUBLIC COMMENT: None.

ZBA COMMENT: None

ADJOURNMENT: Becker moved to adjourn the meeting, Lewis seconded. All in favor, motion carried.

With no further business, Bill Freeman declared the meeting was adjourned at 2:38 p.m.

Respectfully submitted,

Dana Boomer

Recording Secretary