

**ROSE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
July 11, 2017**

The following residents and guests signed in as present:

None.

Other(s) present: Susan Weaver (recording secretary), David Plewes

The regular meeting of the Rose Township Zoning Board of Appeals was called to order at 7:00 p.m. at the Rose Township Hall, 9080 Mason Street, Rose Township, Michigan.

Board Members Present: Gambka, Koop, Sharich, Living-Hawley

Board Members Not Present: Claus

ADDITIONS TO/APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for July 11, 2017.

Moved by Sharich, seconded by Gambka, motion carried to approve the Agenda as presented.

Voting Yes: Koop, Gambka, Sharich, Living-Hawley

Voting No: None

Not Present: Claus

APPROVAL OF MINUTES:

A. Approval of Regular Meeting Minutes of May 2, 2017

Moved by Sharich, seconded by Living-Hawley, motion carried to approve the May 2, 2017 minutes as presented.

Voting Yes: Koop, Gambka, Sharich, Living-Hawley

Voting No: None

Not Present: Claus

PUBLIC HEARING:

None.

OLD BUSINESS:

A. Bylaws

Koop states using the statutes/examples, drafted language and now seeking Board input.

2.2, last sentence, insert "as" before Chairperson

5.10, fourth paragraph "financial interesting" replace with financial interest.

5.3, second paragraph, replace "earliest" with "early."

Sharich, 5.1.2 Parliamentary Authority, last sentence, "state or federal"? Insert statute or law?

Clarification on (1) Township Board member can serve on the Zoning Board of Appeals.

Alternate member(s) is a good idea in case of travel absence, etc.

Discussion as to Secretary v. Recording Secretary.

~~New zoning law act 1.10, states villages~~ New Zoning Law Act 110, states ~~villages~~ Cities, Villages can have use variances, Townships can't ~~cannot~~ unless they have use variances ~~past~~ prior to 2005. Ordinance states there is a temporary use permit, commonly used in this Township to place a ~~trailer~~ mobile home or trailer on the property while building.

Regular and Special Meetings, ZBA does not meet all the time. ~~Board and~~ Planning Commission typically meets 4 times /year and Board at least 6 times /year. Surrounding communities post a list of meetings in January, if no business, it is postponed. Would like to post meetings ahead of time and postpone if necessary at the time.

Quorum, in order to conduct business a majority of board members need to be present. If there is not a quorum the matters are postponed to the next meeting.

Motions, any member of the ZBA is permitted to make a motion and motion must be seconded.

Voting, if there is an appeal, a majority of the members must vote. A board member is excused from voting if there is a conflict of interest. A roll call necessary for anything regarding an appeal. Board agrees to keep the roll call protocol in place.

Rehearing. The ZBA shall not hold a rehearing when any application made under provisions of the Zoning Ordinance is denied by the ZBA. If the Board determines there is new information to alter a decision, appellants would be permitted to submit a new application/fees. Variance requests, can a variance be re-applied for? Plewes responds if they have new information that could change a Board decision (i.e., (i.e.) if set back request goes from 10' to 5'). New application necessary with fees with additional information. Applicant cannot come back and ask for the exact same thing, circumstances or facts must have changed.

Conflict of Interest, discussion as to someone being excused from voting on a matter due to conflict of interest, should they be in the room at all while matter is being discussed/voted upon? Board feels they should not be in the room participating, could be intimidating. If the Board determines there is not a conflict and conflicting board member agrees, may proceed. Clarify same tenor.

Approval of Minutes, prepared minutes shall be provided to the zoning administrator pursuant to the provisions of the Open Meeting Acts. Open Meetings Act states minutes need to be available to the public 8 days after the meeting. Once minutes are approved/corrected minutes must be made available 5 days after. Secretary or another member of the ZBA should sign the minutes.

In summary, Koop states grammatical error changes will be made, he will talk to the Township attorney regarding regular v. special meetings. Change 5.10 notification is sufficient to exclude and language as to voting. *De Minimis* language. Address same tenor issue(s). If there is an approval or denial, meet following month to approve the minutes.

NEW BUSINESS:

None.

OTHER BUSINESS:

None.

TABLED:

None.

PENDING (POSTPONED):

None.

CORRESPONDENCE/COMMUNICATIONS:

None.


BRIEF PUBLIC COMMENT – General Items NOT on Agenda (limit comments to 3 minutes each item):

None.

ADJOURNMENT:

Meeting adjourned at 8:35 p.m.

Approved/Corrected


Debbie Miller, MMC, CMMC
Rose Township Clerk