

Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
January 24th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

The January 24th, 2024, organizational meeting of the Hayes Township Zoning Board of Appeals was called to order by Chairman Janice Vedder-Whipple at 1:00 pm. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

BOARD MEMBERS PRESENT: Rod Slocum, Bruce Deckinga, Janice Vender-Whipple, and Doug Kuebler.

BOARD MEMBERS ABSENT: Rex Greenslade and Joni Hosler (Alternate)

ALSO PRESENT: April Hilton (Recording Secretary/Deputy Clerk)

Audience: LuAnne Kozma.

PLEDGE OF ALLEGIANCE: Ms. Vedder-Whipple (Chair) opened the meeting at 1:00 pm with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT:

Public Comment Opened at 1:04

Comments included:

- Pleased to be able to listen in on Todd Millars training. Stated they have reviewed past ZBA minutes and documents and feel the last couple years of ZBA Hearings have not been conducted properly. Stated they have appealed a high-water mark case at the county of Charlevoix which was rejected for not having a standing. However, hopes Todd Millar covers some of these issues.

Public Comment Closed at 1:07 pm

INTRODUCTION OF ZONING BOARD OF APPEALS (ZBA) MEMBERS:

REVIEWED AGENDA:

Mr. Slocum made a motion, supported by Mr. Deckinga, to approve the agenda.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

APPROVAL OF DRAFT MINUTES FROM JANUARY 11TH, 2023:

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Mr. Kuebler made a motion, supported by Mr. Deckinga, to approve the January 11th 2023 meeting minutes as presented.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

NEW BUSINESS

ELECTION OF OFFICERS:

Ms. Vender-Whipple made a motion, supported by Mr. Kuebler to open nominations for chair.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

Mr. Deckinga made a motion, supported by Mr. Slocum to nominate Janice Vender-Whipple as Chair to the ZBA.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler.

Abstained: Janice Vender-Whipple.

Nays: None **Motion Carried**

Mr. Kuebler made a motion, supported by Mr. Deckinga to close nominations for Chair.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

Ms. Vender-Whipple made a motion, supported by Mr. Deckinga to open nominations for Vice – Chair.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

Mr. Deckinga made a motion, supported by Mr. Kuebler to nominate Rod Slocum as Vice-Chair as the ZBA.

Yeas: Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Abstained: Rod Slocum

Nays: None **Motion Carried**

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Mr. Kuebler made a motion, supported by Mr. Deckinga to close nominations for Vice -Chair.
Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

ZBA TRAINING WITH TODD MILLAR (TOWNSHIP ATTORNEY):

Todd Millar hosted a ZBA Training.

Training topics included:

1. What is the ZBA?
2. ZBA's role in enforcing the zoning ordinance
 - a. Interpretation or provisions and maps.
 - b. Granting of variance.
 - i. Use variance.
 - ii. Dimensional variance.
3. Rules/Statutes governing ZBA.
 - a. Zoning Enabling Act
 - b. Bylaws/rules of procedure.
 - c. Zoning ordinance.
 - d. Open Meeting Act
 - i. Be careful of email communications.
 - ii. No field trips.
 - e. Freedom of Information Act.
4. Handling an appeal or variance request.
 - a. Application.
 - i. Who may apply.
 - ii. Time for appeal.
 - b. Site visit.
 - c. Notice to public.
 - d. Hearing
 - e. Different voting requirements
5. Appeals to Circuit Court
 - a. Time.
 - b. Who may appeal.

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- c. Role of the court.
 - i. Focuses on process more than outcome.
 - ii. Cannot substitute its judgment for yours.
 - iii. So long as there is some evidence to support decision it will be upheld.
 - iv. Record of your decision is extremely important.

ZBA COMMENT:

MS. Vedder-Whipple stated in her career history she is used to seeing standard procedures and time limitations on when subjects can be discussed. Would like all ZBA members to have a copy of Robert Rules of Order. Stated it is important to know these rules and procedures so the board can conduct meetings efficiently.

Mr. Kuebler will bring up the Robert Rules of Order at the next Board Meeting.

ADJOURNMENT: Mr. Deckinga made a motion, supported by Mr. Kuebler, to adjourn at 2:25 p.m.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton
Hayes Township Deputy Clerk/Recording Secretary