

Hayes Township
Zoning Board of Appeals
Organizational Meeting Minutes
February 12, 2020
09195 Old U.S. N, Charlevoix, MI 49720

The February 12, 2020 organizational meeting of the Hayes Township Zoning Board of Appeals was called to order by Chairman Thomas Darnton at 7:00 pm. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

BOARD MEMBERS PRESENT: Jim Rudolph, Tom Darnton, Bob Jess, Frank Shepherd and Roy Griffitts

BOARD MEMBERS ABSENT: Paul Ivan (Alternate)

ALSO PRESENT: Kristin Baranski (Recording Secretary/Deputy Clerk)

PLEDGE OF ALLEGIANCE: Mr. Darnton (Chair) opened the meeting at 7:00 pm with the Pledge of Allegiance to the Flag.

REVIEWED AGENDA:

Mr. Rudolph made a motion, supported by Mr. Shepherd, to approve the agenda.

Yeas: Jim Rudolph, Tom Darnton, Frank Shepherd, Bob Jess, Roy Griffitts

Nays: None **Motion Carried**

REVIEW MEMORANDUM FROM TOWNSHIP ATTORNEY WITH PROPOSED REVISIONS IN ZONING BOARD OF APPEALS RULES OF PROCEDURE:

The following changes were discussed and acted upon:

1. Section 2.5 Duties of all members: to read as- **Whenever possible**, members shall avoid Ex Parte (any conversation about the case between board members, or between board member(s) and the applicant) about cases where an administrative decision is before the Appeals Board.
2. Section 2.7 Training: discussion regarding limited training; Board agreed to leave as is
3. Section 3.2 Notification: strike typo 7.06
4. Section 4.7 Quorum and Section 4.9 Voting: A question arose regarding the requirement of a majority of the Board of Review to vote for granting variance. If the Board meets with only a number of members sufficient for a quorum, does it require the unanimous vote of those present to grant a variance? Does this mean

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that petitioners should meet with the full Board as it increases the chance of gaining an simple majority decision?

Mr. Shepherd made a motion to set a ZBA meeting on April 1, 2020 at 7:00 pm, with support from Mr. Rudolph, and to table this discussion until attorney's review of Section 4.7 and Section 4.9. The motion passed unanimously.

Yeas: Jim Rudolph, Tom Darnton, Frank Shepherd, Bob Jess, Roy Griffiths

Nays: None **Motion Carried**

CONSIDER AND ADOPT RULES OF PROCEDURE: Zoning Board of Appeals tabled until April 1, 2020 meeting per above motion.

REVIEW HEARING PROCEDURE: Chair Tom Darnton stated the Zoning Board of Appeals role is to police the boundary between property owner's rights and police power/township. The ZBA needs to be formal in the procedure. Discussion topics included: Ex Parte is almost impossible to avoid in a small township and the ZBA needs to be diligent; very important to not compromise ZBA decisions; site visits are necessary but avoid discussions while not in official meeting; form to advise property owner of site visits; public is to address ZBA Board at meetings. ZBA meetings procedure:

1. Zoning Administrator presents case.
2. ZBA members can ask questions/discuss case and site visits. (Obtain facts not point of views)
3. ZBA then has opportunity to interact with petitioner.
4. ZBA is presented with written correspondences.
5. Public can address ZBA. (If discussion gets out of order, Chair can close public comment).
6. ZBA deliberates case. ZBA reviews ordinance in application. ZBA reviews findings and facts.
7. Member makes motion and roll call is taken.
8. Hearing is closed
9. Adjournment of meeting.

OTHER BUSINESS:

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Mr. Shepherd made a motion, with support from Mr. Rudolph, to nominate Tom Darnton as Chairman. The motion passed unanimously.

Yeas: Jim Rudolph, Tom Darnton, Frank Shepherd, Bob Jess, Roy Griffiths

Nays: None **Motion Carried**

Mr. Griffiths made a motion, with support from Mr. Rudolph, to nominate Frank Shepherd as Vice-Chairman. The motion passed unanimously.

Yeas: Jim Rudolph, Tom Darnton, Frank Shepherd, Bob Jess, Roy Griffiths

Nays: None **Motion Carried**

ADJOURNMENT: Mr. Griffiths made a motion, supported by Mr. Shepherd, to adjourn at 7:56 p.m.

Yeas: Jim Rudolph, Tom Darnton, Frank Shepherd, Bob Jess, Roy Griffiths

Nays: None **Motion Carried**

Respectfully Submitted,

Kristin Baranski

Hayes Township Deputy Clerk/Recording Secretary