



WEBSTER TOWNSHIP ZONING BOARD OF APPEALS AGENDA

Regular Meeting | May 07, 2024 | 7:00 PM | Webster Township Hall

- 1. CALL TO ORDER**
- 2. ROLL CALL:** Becker, Harms, Hopkins, Savander, Kleinschmidt, Peterson (alternate)
- 3. APPROVAL OF AGENDA**
- 4. ELECTION OF 2024 OFFICERS** (Chair, Vice-chair and Secretary)
- 5. APPROVAL OF MINUTES**
 - a. October 24, 2024 ZBA Meeting
- 6. PUBLIC REMARKS** (*limited to three minutes per speaker*)
- 7. PUBLIC HEARING**
 - a. None
- 8. NEW BUSINESS**
 - a. Role of the ZBA and Making Informed Decisions: Refresher seminar hosted by the Township Planner
 - b. Revised ZBA Application
 - c. Introduction: ZBA By-laws Amendment
 - d. Board Policy Review and Recommendation
- 9. OLD BUSINESS**
 - a. None
- 10. DISCUSSION ITEMS**
 - a. 2024 Meeting Calendar
- 11. TOWNSHIP UPDATES**
 - b. Planning & Zoning Update
 - c. Township Board Update
 - d. Planning Commission Update
- 12. PUBLIC REMARKS** (*limited to three minutes per speaker*)
- 13. ZBA MEMBER REMARKS**
- 14. ADJOURNMENT**

GENERAL INFORMATION

1. No person, other than a Commission member, shall address an issue for public hearing following the closing of that public hearing by the Chairperson (except during Audience Participation).
2. Packet information and full set plans are available to view at the Township Hall. People with disabilities needing accommodations for effective participation in this meeting should contact the Township Clerk at 734.426.5103 at least seven business days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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WEBSTER TOWNSHIP ZONING BOARD OF APPEALS
OCTOBER 24, 2023

A Public Hearing for 1) dimensional variance request for not meeting the minimum front yard setback by Timothy and Christina Lozier; and 2) Jim and Judy Berlucchi to expand existing legal non-conforming dwelling.

The Meeting was called to order in the Township Hall at 7:01 p.m. by Chairperson Simonds.

WTZBA Members Present: Rick Kleinschmidt, Jennifer Simonds, Ernie Becker, Gene Hopkins, Connie Savander

WTZBA Members Absent: Jeff Harms

Also Present: Martha Zeeb, John Kingsley, Matt Kuschel, Sri Komaragiri, Tim and Christina Lozier, Jim and Judy Berlucchi, Debra Gesell

I. Approval of Agenda: Rick Kleinschmidt moved, 2nd by Gene Hopkins, to approve the agenda as presented. Motion carried.

II. Jennifer Simonds introduced the ZBA and Matt Kuschel, Attorney

III. Continuation of request for a dimensional variance from Timothy and Christina Lozier, 4500 Joy Road, Ann Arbor, Michigan for property ID C-03-35-200-008 of not meeting the 110-foot front yard setback from a primary road per section 9.10.D.vi

- A. Jennifer Simonds explained this continues our August meeting for a detached garage at 4500 Joy Road. She asked the Lozier's to explain their revised request.
 1. Tim Lozier said they removed the maple tree that they were afraid would come down anyway. They now would like to build a 26x26 foot garage and locate it 74 feet from the centerline of the road to the west of the house, so they won't need a variance from Joy Road.
 2. Christina Lozier said they had the gas and electric companies come out and they don't need to relocate the lines. They appreciated being able to come again and understood it did not guarantee their new layout would be approved.
- B. Jennifer Simonds asked Gene Hopkins to read the 9 Standards of Review from Section 6.10 (3)b as we had the public hearing and discussion at our August meeting.
 1. The Board agreed all fees have been paid.
 2. The Board all agreed this property is unique as it is on the corner of 2 primary roads with a setback of 110 feet and also it is in the flood plain.
 3. The Board all agreed there is a practical difficulty if held to the zoning ordinance due to the 2 primary roads and flood plain so they would not be able to build a garage.
 4. Discussion regarding it not being the result of action of the applicant unless suffer undo hardship. Some Board members felt the house could have been relocated in the beginning and they have lived without having a garage for 20 years. Others felt FEMA was involved and the owner may not have been 100% in control over the placement of the house. Connie Savander and Rick Kleinschmidt voted no, and Jennifer Simonds, Ernie Becker and Gene Hopkins voted yes. Standard carried.
 5. The Board all agreed the proposed placement was not injurious to others.
 6. The Board all agreed the proposed garage would not alter the character of the area.
 7. Rick Kleinschmidt felt 36 feet is a large variance which could be a special privilege. All the other Board members voted in favor of allowing this variance.
 8. The Board agreed this item does not apply.
 9. The proposed variance is the minimum for reasonable use of the land. Connie Savander and Rick Kleinschmidt voted no as it is so great a variance and is 100% in

the setback. However, Gene Hopkins felt you must have a 10-foot separation from buildings, and it is not on the Joy Road setback. Gene Hopkins, Ernie Becker and Jennifer Simonds voted yes so the standard carried.

- C. Gene Hopkins moved to accept the wording from Matt Kuschel given the finding of the Board to approve the 36-foot variance from Webster Church Road for reasons stated on the record per Section 9.10 of the Zoning Ordinance for construction of a 26x26 foot garage. This was 2nd by Ernie Becker and a roll call vote was taken. It carried with all voting yes except Rick Kleinschmidt and Connie Savander who voted no. Motion carried.

IV. Public Hearing to hear a request from Jim and Judy Berlucchi to expand an existing legal non-conforming dwelling at 7322 Park Lake Dr., Dexter, Michigan tax ID C03-17-200-004 per Zoning Ordinance. Section 13.90.I

- A. Jennifer Simonds asked the Berlucchi's to explain their request.
 - 1. Judy Berlucchi said they live nearby on Chamberlin Road and purchased the house on Park Lake Dr. in May 2022. Currently their son lives in it, but they wish to add 2 downstairs bedrooms, bathrooms, laundry room, etc. to the west part of the house so they can live in it as they get older. They also need to add a new front entry. They would like to replace the back entry by adding a new back entry which would go to the mudroom, entry hall, and the existing Mother-in-Law apartment on the 2nd floor of the garage. Its floor plan would stay the same and they plan to use it for their 8 kids and 23 grandkids who may come to visit. Judy Berlucchi verified the existing generator will be relocated and the west or north side of the house is the only option. The house was built in 1972 and they didn't know the garage is in part of the east setback so they will need a variance.
 - 2. Sri Komaragiri verified that the setbacks have not changed since 1972 so the house was built in error. The mother-in-law apartment is a temporary use and when the need is gone, or if ownership changes, it reverts to being part of the house. The Township Board should ensure it is not a secondary dwelling unless the Berlucchi's seek the Township Board's approval of its continued use.
- B. Jennifer Simonds asked for questions from the ZBA Board:
 - 1. Rick Kleinschmidt said the proposed addition is within the setbacks so our only issue is the east setback as we would expand a non-conforming building. In the motion say they would need to abide by all Zoning Ordinance regulations.
 - 2. Discussion followed on appliances in the mother-in-law apartment. Matt Kuschel verified the garage is in the setback and the 2nd dwelling unit is a non-conforming use. The ZBA does not resolve the kitchen above the garage, and we could make the motion to work with the Zoning Administrator.
- C. Jennifer Simonds opened the meeting to comments from the public.
 - 1. Debra Gesell said she lived nearby and knew the previous owners. A letter was sent to neighbors on the lake, so everyone knows about the proposed addition, and no one is here. Jim and Judy's home on Chamberlin Road is beautiful and the garage has nothing to do with the addition on the west side.
 - 2. Gene Hopkins read the email from William Stockwell, dated Monday, October 23, 2023, about how close the addition will be to his house so he is concerned about privacy and subsequent noise levels from the generator.
 - 3. As there were no other comments Jennifer Simonds closed the public hearing portion at 8:17 pm.
- D. Discussion by ZBA.
 - 1. Ernie Becker suggested the generator and air conditioner be located on the lower walk out level as it would be quieter for everyone. Also, they could add a privacy fence. Judy Berlucchi said they could have an evergreen fence.
 - 2. Rick Kleinschmidt cautioned the Berlucchi's to watch the overhang measurement dimension on the addition. Sri Komaragiri agreed they may need to reduce the master

bedroom so as not to need to ask for a dimensional variance. Matt Kuschler said the application is to add to the non-conforming structure. The secondary dwelling and overhang will be part of the building phase.

3. The ZBA Board reviewed the 3 criteria they must meet in Section 13.90.O.(5)(B):
 - a. Item i. Ernie Becker said removing part of the garage that is non-conforming would be a hardship. Gene Hopkins said removing the supporting wall of the existing garage structure would be a hardship. All agreed.
 - b. Item ii. Sri Komaragiri said this item does not apply in this case. All agreed this does not apply.
 - c. Item iii Regarding health, Safety, and welfare the Board agreed if the generator is located on the lower walkout level the noise will be lessened. The applicant will work with the Zoning Administrator regarding the air conditioner also.

4. Gene Hopkins moved to accept Matt Kuschel's wording to approve the applicant's request to expand the non-conforming structure based on findings stated on record. This approval is based on the applicant's final building and site plan to comply with all zoning standards. Ernie Becker 2nd the motion. A roll call vote was taken, and it carried unanimously.

V. Approval of Last Meeting Minutes: Rick Kleinschmidt moved, 2nd by Gene Hopkins, to approve the minutes as presented. Motion carried with Connie Savander abstaining as she was not in attendance at the August ZBA meeting. Matt Kuschel explained that all Board members in attendance can vote on all items, but they can abstain.

VI. Sri Komaragiri gave her Zoning Administrator Report. She asked the ZBA Board to reach out to her if they have input on the Zoning Ordinance proposed amendments.

VII. Rick Kleinschmidt gave the Planning Commission Report. He asked the ZBA Board to give comments to Sri or the Planning Commission regarding amending the Zoning Ordinance to raise the height on measuring the height of buildings. Gene Hopkins said it is too difficult to measure the halfway point.

VIII. Township Board Report was given by John Kingsley in Jeff Harm's absence.

IX. Call to the Public – None

X. Comments from ZBA - None

XI. Rick Kleinschmidt moved, 2nd by Gene Hopkins, to adjourn. Motion Carried. The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Gene Hopkins, Secretary

MLz

These Minutes are not official until signed.

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Memorandum

Zoning Board of Appeals Application Revisions

DATE April 30, 2024

TO Webster Township Zoning Board of Appeals

FROM Sri Ravali Komaragiri, AICP, Township Planner

INTRODUCTION

As noted in our zoning ordinance, the Zoning Board of Appeals the power to do the following:

1. Hear appeals to grant variances from the requirements set forth in the Zoning Ordinance.
2. Render decisions based on interpretation of text contained within the Zoning Ordinance.
3. Render decisions based on interpretation of the boundaries contained within the Zoning Map.
4. Hear appeals of an administrative order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.
5. Approval of changes, re-establishment expansion of non-conforming lots and structures

However, our current application only addresses variance requests and related criteria for approval. The application should be updated to cover all the requests.

FOR ZBA CONSIDERATION

The following are attached to this memo for your review and approval. We are looking for your input if the proposed drafts are acceptable as presented or if you like any changes be made.

1. Revised ZBA Application
2. Questionnaire to support a request
 - a. Dimensional Variance Request
 - b. Interpretation of Zoning Ordinance Text
 - c. Interpretation of Zoning Ordinance Map
 - d. Classification of a Use
 - e. Non-Conforming Uses
 - f. Non-Conforming Structures
 - g. Appeals From Administrative Decisions

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WEBSTER TOWNSHIP

5665 Webster Church Road, Dexter MI 48130, (734) 426-5103

Application for Zoning Board of Appeals Determination

Prior to applying, it is recommended call the Zoning Administrator at 734-426-5103 or via e-mail zoningadmin@webstermi.us to discuss submittal requirements.

WHAT IS THE ZONING BOARD OF APPEALS?

The ZBA consists of five (5) members appointed by the Webster Township Board of Trustees. The Michigan Zoning Enabling Act of 2006 gives the Zoning Board of Appeals the power to do the following:

- a. Hear appeals to grant variances from the requirements set forth in the Zoning Ordinance.
- b. Render decisions based on interpretation of text contained within the Zoning Ordinance.
- c. Render decisions based on interpretation of the boundaries contained within the Zoning Map.
- d. Hear appeals of an administrative order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.

The ZBA does not have authority to hear an appeal by an aggrieved person regarding a decision of the Township Board on an application for special use or site plan review. The ZBA does not have the authority to grant a land use variance.

ADMINISTRATIVE USE ONLY

Fee		\$815 per each request	Date Paid		Permit No	
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SUBJECT PROPERTY

Parcel ID	C - 03 - -	Lot Size		Zoning	
Site Address					
Current Use					

APPLICANT

Company Name (If any)					
Primary Contact					
Mailing Address					
Phone Number		E-mail			

PROPERTY OWNER (Leave blank if same as the applicant)

The application must be signed by all person(s) whose name(s) appear on the deed to the Subject Property. **If applicant is not the property owner, you must attach a completed "[Letter of Authorization to apply](#)"**

Property Owner(s)					
Mailing Address					
Phone Number		E-mail			

Webster Township Zoning Board of Appeals Application

TYPE OF REQUEST (Check all that apply)

Dimensional Variance (1)	Article No.		Section No.	
Dimensional Variance (2)	Article No.		Section No.	
Dimensional Variance (3)	Article No.		Section No.	
Interpretation	Ordinance	Map	Use	
Appeal from administrative decision	Zoning Administrator	Zoning Enforcement Officer	Planning Commission (site plans only)	
Non-conforming structures	Expansion	Re-establishment	Repair	
Non-conforming uses	Expansion	Re-establishment		

BRIEF DESCRIPTION OF THE REQUEST (Complete related Questionnaire)**SUBMITTAL CHECKLIST**

Failure to provide the required information will result in an incomplete application and may cause a delay or cancellation of the Public Hearing and/or determination by the ZBA.

Yes	No	N/A	ITEM
			1. Cash or check made payable to "Webster Township". \$815 per each request.
			2. One (1) copy of the following:
			a. Mortgage survey or land survey for residential requests.
			b. Site plan of a scale that clearly depicts all the required information to support your request and is easily legible.
			c. A narrative or completed questionnaire to respond to all of ZBA's decision criteria. Refer to Article 6 of Webster Township Zoning Ordinance.
			d. Building plans and elevations or other plans as needed.
			e. Photographs and exhibits to support your request.
			f. Other supporting documents, such as, but not limited to, contracts, agreements, correspondence from other agencies.
			g. Additional information as necessary, if requested by the ZA at a pre-application meeting.
			h. One (1) PDF copy of all submittal materials.
			3. Cash or check made payable to "Webster Township". \$815 per each request.

Once, the zoning administrator verifies the completeness of the application, the ZA will request additional six (6) copies for distributing to the Zoning Board of Appeals.

ESCROW DEPOSIT

6.05. B. (10). The Zoning Administrator shall establish an amount, if any, to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application.

STAKING

The Applicant must place clearly visible stakes where the relevant property lines are located and stakes showing the location of any proposed structure that is the subject of the Application. These stakes must be in place at least two (2) weeks prior to the public hearing on the application. Failure to stake will result in the cancellation or postponement of the Public Hearing and/or the postponement of the determination.

RIGHT OF ENTRY

The filing of this application shall constitute permission from the owner/applicant to the entry of Township officials, employees, agents, and/or representatives to complete an on-site investigation of the subject property for purposes related to this application.

SIGNATURES

I do hereby attest that all statements, signatures, descriptions, and exhibits submitted on/or with this application are true and accurate to the best of my knowledge and I am the property owner or I am authorized to file this application and act on behalf of the property owner and I have attached a letter of authorization to apply from the owner who grants me permission to act on his/her behalf.

 Signature of Applicant

 Date

 Signature of Owner

 Date

 Signature of Owner

 Date

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DIMENSIONAL VARIANCE REQUEST

- A dimensional variance is a permission from the Zoning Board of Appeals to depart from the literal requirements of the Ordinance, including relating to setbacks, building height, lot width, and/or lot area as regulated by this Ordinance.
- If there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, the Board of Appeals may grant a dimensional variance, in accordance with Article 6, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
- The Board of Appeals shall not have the authority to grant a use variance, or any variance that allows a use prohibited by this Ordinance.

TYPE OF VARIANCE REQUESTED (Fill a separate questionnaire for each request)

SECTION NO.	
REQUIRED	
PROPOSED	
VARIANCE REQUESTED	

In order to receive a variance, the applicant must convince the ZBA that their request meets all of the decision criteria listed below. Explain how the following criteria is met for your request.
Use a separate paper if necessary.

1. All required information has been provided and fees paid.

2. The difficulty or hardship is unique to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes.

3. The particular physical conditions, shape, or surroundings of the property would impose upon the owner a practical difficulty, as opposed to a mere inconvenience, if the requirements of the Zoning Ordinance were strictly enforced.

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4. The special conditions and circumstances do not result from the actions of the applicant or current property owners; or previous property owner or title holder, or their agent, unless the applicant would suffer undue hardship or inequity as a result of the denial.
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5. The proposed variance will not impair an adequate supply of light and air to adjacent properties or otherwise injure other property or its use, will not substantially increase the danger of fire, flood and similar dangers or otherwise endanger the public health, safety and welfare, and will not substantially diminish or
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6. The variance, if granted, will not alter the essential character of the neighborhood or surrounding properties and will be consistent with the goals, objectives and policies set forth in the Webster Township Zoning Ordinances.
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7. Granting the variance as requested will not bestow upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
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8. The existence of non-conforming uses of neighboring lands, structures or buildings in the same district; permitted or non-conforming uses of land, structures or buildings in other districts; and non-conforming structures; shall not be grounds for granting a variance.
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9. The variance granted shall be the minimum variance that will permit a reasonable utilization of the land, building or structure.
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INTERPRETATION OF ZONING ORDINANCE TEXT

Zoning Board of Appeals can interpret the provisions of Webster Township Zoning Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the Article in which the language is contained, and all relevant provisions of this Ordinance. In making such an interpretation, section 2.05. Construction of Language in the Township Zoning Ordinance shall be followed.

Article No. & Title.	
Section No. & Title	
Please describe your request and reason for your request. Use a separate paper if necessary.	

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INTERPRETATION OF ZONING ORDINANCE MAP

Zoning Board of Appeals can interpret the official zoning map when there is a question regarding the zoning classification of a property.

Address	
Parcel ID	
Zoning	
Please describe your request and reason for your request. <i>Use a separate paper if necessary.</i>	

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CLASSIFICATION OF A USE

The Zoning Board of Appeals can make a decision on a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or special use, in accordance with the purpose and intent of each district. If no comparable use is found, the Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.

Address	
Parcel ID	
Zoning	
Proposed Use	

Provide additional details on type of use, where it is proposed and any other additional details such as, but not limited to, number of employees, hours of operation, type of outdoor requirements, etc?
Use a separate paper if necessary.

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NON-CONFORMING USES (Sec. 13.90)

A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. A nonconforming use may also be defined as provided by relevant statute and/or other law.

The Board of Appeals or the Zoning Administrator has authority to provide for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in Section 13.90 of Township Zoning Ordinance.

Address	
Parcel ID	
Zoning	
Proposed Use	

The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact. Explain how your request meets the following standards of approval? Use a separate paper if necessary.

1. The proposed nonconforming use is equally appropriate or more appropriate to the district than the existing nonconforming use. Where a nonconforming use is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

2. The applicant may be required to submit a site plan that addresses such matters as landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting or other improvements as deemed necessary to protect surrounding uses.

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NON-CONFORMING STRUCTURES (Sec. 13.90)

A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. Such building and/or structure may be further defined as provided by statute and/or case law.

The Board of Appeals or the Zoning Administrator has authority to provide for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in Section 13.90 of Township Zoning Ordinance.

Address	
Parcel ID	
Zoning	
Proposed Use	

The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact. Explain how your request meets the following standards of approval? Use a separate paper if necessary.

1. Retention of the nonconforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship

2. The proposed improvement is reasonably necessary to be able to continue to use the lot.

3. The proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare.

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APPEALS FROM ADMINISTRATIVE DECISIONS

The Zoning Board of Appeals shall reverse an order of an Enforcement Official only if it finds that the action or decision

1. Was arbitrary or capricious, or
2. Was based on an erroneous finding of a material fact, or
3. Constituted an abuse of discretion, or
4. Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

Address	
Parcel ID	
Zoning	

Provide more details about your request. Use a separate paper if necessary.

1. Whose decision are you appealing?

Zoning Enforcement Officer	Zoning Administrator	Planning Commission
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2. Explain below in detail what is the administrative decision that you are appealing?

3. Explain below the reasons for your appeal?

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Memorandum

Zoning Board of Appeals By-Laws

DATE April 30, 2024

TO Webster Township Zoning Board of Appeals

FROM Sri Ravali Komaragiri, AICP, Township Planner

INTRODUCTION

The ZBA by-laws were last amended in 2020. A revised draft is provided for your consideration. The table below summarizes the type of changes and reason for proposed changes.

SUMMARY OF PROPOSED CHANGES

Text in black is language from existing By-Laws

Text in ~~red and strike thru~~ is existing text proposed to be removed

Text in blue and underline is new text proposed to be added

Section No.	Section Title	Proposed Revisions
Section 1	Officers	<ul style="list-style-type: none"> - Guidelines for order election are proposed - Guidelines for nominating members are proposed - Conflict of interest is removed from this section
Section 2	Ethics Policy	<ul style="list-style-type: none"> - This is entirely new section, a recommendation that is consistent with PC By-Laws and Township Code of Ethics.
Section 3	Meetings	<ul style="list-style-type: none"> - Guidelines for cancelling scheduling meetings is included - Revisions proposed to schedule for agenda and application distribution that are consistent with current practices. - Guidelines to execute a decision form in a timely manner are proposed.
Section 4	Application And Fees	Revisions proposed to streamline the application intake process
Section 5	Amendment	No change
Section 6	Effective Date	No change

FOR ZBA CONSIDERATION

Please review the attached revisions. If the revisions are acceptable, the ZBA has three choices

1. Adopt the amendment as proposed
2. Adopt the amendment with revisions as discussed at the meeting
3. Postpone consideration for a later meeting

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ZONING BOARD OF APPEALS BY-LAWS

Adopted February 28, 2006 | Amended September 8, 2020 | DRAFT- May 07, 2024

The following rules of procedure are hereby adopted by the Webster Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

SECTION 1: OFFICERS

A. ~~SELECTION AND TENURE~~ELECTION OF OFFICERS. At the first scheduled meeting of the ~~calendar~~-fiscal year, the Zoning Board of Appeals shall elect from its membership a chairperson, vice chairperson and secretary, in the order listed.

1. Nomination Procedure.

- a. Nominations of members for an office shall be from the floor by a current member of the ZBA during the meeting when elections are held.
- b. All nominations shall be seconded by another member of the ZBA to be considered a valid nomination.
- c. Nominees must accept or decline the nomination before each vote is taken.
- d. If a ZBA member is unable to attend the meeting to elect officers and would accept an officer position(s), a written letter of intent of acceptance for an office must be submitted to the ZBA prior to the meeting.
- e. Each election shall be conducted by a roll call vote.

2. Tenure. New officers shall assume their duties at the end of the meeting at which they are elected. An elected officer of the township shall not serve as chairperson of the zoning board of appeals. All officers shall serve a term of one year or until their successors are elected and assume office. All officers shall be eligible for reelection for consecutive terms for the same office.

B. ROLES OF THE OFFICERS

~~A.1.~~ CHAIRPERSON. The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Zoning Board of Appeals. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

2. VICE CHAIRPERSON. The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the Zoning Board of Appeals shall elect a successor to the office of vice chairperson for the unexpired term.

DRAFT AMENDMENT (05-07-24)

B.3. SECRETARY. The secretary shall take minutes during meetings when the Recording Secretary is absent, **execute** documents in the name of the Zoning Board of Appeals, perform the duties hereinafter listed below, and shall perform such other duties as the Zoning Board of Appeals may determine.

1. **Minutes.** The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk. The minutes shall contain a record of the meeting, including a complete statement of all motions and record of votes, conditions or recommendations made on any action and record of attendance. Tape recordings of a meeting to the extent available shall be retained as a record by the secretary for a period of ninety (90) days after the minutes of the meeting have been approved unless the Zoning Board of Appeals specifies a longer period of time, in which event such recordings are to be retained by the township clerk.
2. **Correspondence.** The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Zoning Board of Appeals. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the Zoning Board of Appeals.
3. **Attendance.** The secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals.

~~**C. CONFLICT OF INTEREST.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. A member with a conflict of interest shall state on the record the nature of the conflict. Any member who is unsure whether a conflict exists may request a discussion with the entire Zoning Board of Appeals. After discussion, a majority vote shall be binding as to whether a conflict exists. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes misconduct in office. A report of such misconduct will be submitted to the Township Board.~~

SECTION 2: ETHICS POLICY

A. In addition to complying with Township's code of Ethical conduct, the ZBA members shall also comply with the following:

- 1. Conflict of Interest:** The ZBA members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 - a. A relative or other family member is involved in any request for which the ZBA is asked to make a decision.
 - b. The ZBA member has a business or financial interest in the property involved or has a business or financial interest in the applicant's company, agency or association.
 - c. The ZBA member owns or has a financial interest in neighboring property. This includes any property falling within the notification radius.
 - d. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict. The ZBA member will state the nature of the conflict and may absent him/herself from the room, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the ZBA as a representative of the proposal.
 - e. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

DRAFT AMENDMENT (05-07-24)

- 2. Ex-parte Contact:** Members shall avoid ex parte contact. Ex parte contact is communication (face-to-face conversations, phone calls, written correspondence, e-mails, instant messaging and other communications technology) about a pending matter before the ZBA in the absence of other parties to the matter and without notice and opportunity for all parties to participate in the communication. Despite one's best efforts it is sometimes not possible to avoid ex parte contact. When that happens, the member should take detailed notes on what was said and report to the ZBA at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was communicated.
- 3. Electronic Communications:** Written materials, such as meeting packets and educational material, may be distributed to ZBA members via e-mail or other electronic communications. Any electronic communication is subject to Freedom of Information Act requests. ZBA members shall refrain from communicating about items before the ZBA via electronic communications as all members and other interested parties may not be included and/or aware of what was communicated.
- 4. Gifts/Favors.** No member of the ZBA may accept gifts in the exercise of their office.

SECTION 3: MEETINGS

- A. Regular Meetings.** Meetings will be scheduled on the ~~second~~-first Tuesday of the month as needed. Other meetings may be held as necessary. When a meeting falls on a legal holiday or upon a day resulting in a conflict, the chairperson shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.
- B. Special Meetings.** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the Zoning Board of Appeals. The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests, but not if at the ZBA's request. Notice of special meetings shall be given to the members of the Zoning Board of Appeals by the Chairperson in accordance with the Open Meetings Act. Such notice shall state the purpose, time, and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. Cancellations.** If the applicant withdraws a request, or if there are insufficient members to achieve a quorum, or if there is a weather emergency, a regular or special meeting may be cancelled by the Chairperson by giving notice to all members via e-mail at least twenty-four (24) hours before the time set for such meeting. A notice of cancellation shall be posted on the Township' website and at a visible physical location at the Township' office at least (18) hours before the time set for such meeting.
- ~~C.D.~~ Public Records.** All meetings, minutes, records, documents, correspondence and other materials of the zoning board of appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- ~~D.E.~~ Quorum.** The Zoning Board of Appeals shall consist of five (5) members. Three (3) members of a five-member Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act.
- ~~E.F.~~ Voting.** The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which the Zoning Board of Appeals is required to pass under the ordinance, or to grant a variance in the ordinance. Voting shall be by ~~voice vote; a roll call vote shall be~~

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~~required if requested by any member or directed by the chairperson.~~ All members, including the chairperson, shall vote on all matters, but the chairperson shall vote last.

F.G. Agenda. The chairperson with the assistance of the zoning administrator shall be responsible for preparing an agenda for the Zoning Board of Appeals meetings. The agenda shall be made available to the ZBA no later than 15 days prior to the scheduled hearing.

G.H. Application Packets. The application ~~and~~ documents of record and staff's memo will be made available or mailed to the members within 14-7 days ~~after the application is complete~~ prior to the scheduled hearing and filed so the members will have an opportunity to review those materials.

H.I. Rules of Procedures for Public Hearings. All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals. The following rules of procedure shall apply to public hearings held by the Zoning Board of Appeals:

- Chairperson opens public hearing and announces the subject.
- Chairperson summarizes procedures/rules to be followed during the hearing.
- Applicant presents request.
- Township Zoning Administrator, planning consultant or other authorized Township agent presents a summary or analysis of the request.
- Persons wishing to comment on the request are recognized.
- Chairperson closes public hearing and returns to the regular/special meeting.
- Zoning Board of Appeals deliberates and acts on the application.

To ensure that everyone has the opportunity to speak, the Zoning Board of Appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments. All comments by the public shall be directed to the chairperson.

H.J. Decision. Decisions rendered by the Zoning Board of Appeals shall substantially conform to the format set forth in Attachment "D" located in Section ~~12~~ 3 of these Bylaws. The secretary shall make the decision form available for signatures within 15 days of the hearing. The secretary may seek input from the chair, attorney or the zoning administrator in preparing the decision form. All members shall sign the decision form with 15 working days once the form is available for signatures.

SECTION ~~3~~ 4: APPLICATION AND FEES

A. Applications and Forms. The following documents shall be made available for the collection of information and for the Board's use in rendering a decision:

- Attachment A - Zoning Board of Appeals Application
- Attachment B - Standards of Approval Questionnaires
- Attachment C - Webster Township Zoning Board of Appeals Decision Form

B. Submissions. Prior to setting a hearing date on an application, the appropriate completed application signed by the applicant or his / her designated agent along with any documents which the applicant intends to rely on and feels are pertinent to the application, must be submitted to the township. A list of suggested submittal items is provided on the ZBA application.

DRAFT AMENDMENT (05-07-24)

- C. Filing Date.** The chairperson and Zoning Administrator shall make a determination on the record that the application submitted by the applicant is complete and meets the filing requirements set forth in the zoning ordinance and that materials and fees, including variable costs and expenses, have been paid or posted with the township. Should the chairperson be unavailable, the vice-chairperson and Zoning Administrator shall make the determination. The application will be deemed complete within 14 days unless more information is requested. The applicant will be notified by the zoning administrator in writing within 14 days of any deficiencies. A Public Hearing date shall be set within ~~75~~45 days after determination that the application is complete.
- D. Mailing and Publication.** After it is determined that the application meets the filing requirements in the zoning ordinance, the chairperson is directed to ensure that the mailing and publication requirements pertinent to the application are properly implemented, as required by Section 3.40 of the Webster Township Zoning Ordinance and the Michigan Zoning Enabling Act 110 of 2006, as amended.
- E. Variable Costs and Expenses.** The Zoning Administrator, after review of the application, but prior to determination of completeness or scheduling a public hearing, shall establish an amount, if any, to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application. The Board of Appeals shall not consider the application complete until the escrow deposit is received by the Township Clerk. Should this amount at any time appear to be inadequate to cover such costs and expenses, the Zoning Administrator shall immediately inform the applicant in writing of such fact and request an additional deposit to cover such further anticipated expenses. Prior to making its recommendation or decision, the Zoning Board of Appeals shall ensure that there are adequate funds in the account to cover the remaining foreseeable variable costs and expenses. Sums remaining in the account shall be held until such time as the Zoning Board of Appeals determines that no further actions are to be taken regarding the matter, at which time the chairperson shall notify the Board of Trustees to forthwith return to the applicant any remaining sums.
- F. Vouchers.** The township treasurer shall draw warrants against the funds deposited by the applicant only upon vouchers duly approved in accordance with the Principals & Procedures Governing Variable Fees adopted by resolution of the Webster Township Board of Trustees.

SECTION ~~4~~5: AMENDMENT

These bylaws may be amended at any meeting by a vote of three (3) of the five (5) members of the zoning board of appeals.

DRAFT AMENDMENT (05-07-24)**SECTION 56: EFFECTIVE DATE**

These bylaws were adopted by the Zoning Board of Appeals of Webster Township, Washtenaw, Michigan, duly assembled at a regular meeting held at the Township Hall at 5665 Webster Church Road, Dexter, Michigan 48130, in said Township on the day of _____, ~~2020~~2024 do hereby approve and adopt the bylaws.

 Its : Chairperson

 Its: Vice Chairperson

 Its: Secretary

 Its: Member

 Its: Member
CERTIFICATION

_____, Secretary of the Webster Township Zoning Board of Appeals, Washtenaw County, Michigan, hereby certify that the here within bylaws of the Webster Township Zoning Board of Appeals were duly adopted by the Webster Township Zoning Board of Appeals at a regular meeting held on the day of _____, ~~2020~~2024.

 Secretary

 Date

Webster Township Zoning Board of Appeals

CITY OF PLYMOUTH
ZONING BOARD OF APPEALS BYLAWS
Adopted March 3, 2022

FOR REFERENCE

1. Name and Purpose

- A. The name of this Commission shall be the City of Plymouth Zoning Board of Appeals.
- B. These Bylaws are adopted by the Zoning Board of Appeals (herein known as Appeals Board) to facilitate the performance of its duties as outlined in the Zoning Ordinance. In any case where a provision of these Bylaws shall conflict with the Zoning Ordinance, the provision which is more restrictive shall govern.

2. Membership

- A. Members. Members of the Appeals Board are appointed by the City Commission pursuant to the City of Plymouth's Zoning Board of Appeals Ordinance, Chapter 78 Article XXVIII of 2003, as amended, and Public Act 110 of 2006, as amended, known as the Michigan Zoning Enabling Act.
 - 1. Each member shall represent and advocate for what is best for the City of Plymouth as a whole, putting aside personal or special interests.
 - 2. Membership shall be representative of important segments and geography of the City of Plymouth to the extent practicable.
 - i. The Commission shall consist of five (5) members and two (2) alternates.
 - ii. Members and alternates shall be city residents.
 - iii. One member or alternate shall be a member of the Planning Commission.
 - iv. Members and alternates should have experience, training, and/or interest in matters related to zoning. Important segments to consider include architecture, building construction, GIS/AutoCAD, historic preservation, land use planning, landscape architecture, real estate/development, and law.
 - v. Liaisons. The purpose of liaisons is to provide City of Plymouth officials and administration the ability to participate in discussions with the Appeals Board, in addition to speaking in public comment, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements. Liaisons are:
 - 1. Community Development Department staff and their agents and consultants.
 - 2. City of Plymouth Attorney.
 - 3. City of Plymouth Planning Commission.
 - 4. City of Plymouth City Manager.
 - 5. Mayor of the City Commission, or other appointed Commissioner.
- B. Attendance. A member absent from three (3) consecutive regularly scheduled meetings shall be reported to the City Commission for delinquency. This attendance requirement shall not apply to alternates. Delinquency shall be grounds for the City Commission to remove member for nonfeasance or misconduct, after holding a public hearing on the matter. The ex-officio Secretary shall keep attendance records and report delinquent members to the City Commission for further consideration.
- C. Training. Each member shall have attended at least four hours of training in planning and zoning during the member's current term of office, which is provided by the City. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, American Planning Association, Michigan State Extension, Michigan Municipal League, or continuing education programs at a recognized Michigan university.

- D. Conflict of Interest. A member is disqualified from participating in a matter when a conflict of interest as defined in the Zoning Ordinance Section 78-403 and in the Ethics Ordinance Section 2-3 is present.
- E. Removal of Members. Any member of the Appeals Board may be removed by vote of the City Commission at a public hearing pursuant to Section 4.9 of Chapter 4 of the City Charter.

3. Duties of all Members

- A. Code of Conduct. Each member upon appointment, shall sign a code of conduct.
- B. Ex Parte Contact. Members shall avoid ex parte contact about cases before the Appeals Board whenever possible. If ex parte contact cannot be avoided, the member shall take detailed notes on what was said and report to the Appeals Board at a public meeting, so every member and other interested parties are made aware of what was said.
- C. Not Voting on the Same Issue Twice. Any member of the Appeals Board shall avoid situations where they are sitting in judgement and voting on a decision that they had a part in making. This shall include but not be limited to the following:
 1. When the appeal is of an administrative or other decision by the Planning Commission and the member of the Appeals Board sits both on the Planning Commission and Appeals Board.
 2. When the appeal is of an administrative or other decision by the City Commission and the member of the Appeals Board sits both on the City Commission and Appeals Board.
 3. When the appeal is of an administrative or other decision by any committee of the Planning Commission, City Commission, and/or other committee and the member of the Appeals Board sits both on that committee and the Appeals Board.

4. Officers

- A. Selection. At the first regular meeting of each year, the Commission shall select a Chairperson and Vice-Chairperson from its membership. All officers are eligible for re-election. Nominations shall be made from the floor as open nominations. A voice vote election shall take place to elect officers. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. The Community Development Director or his or her designee shall be the ex-officio Secretary.
- B. Tenure. The Chair and Vice-Chair shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.
- C. Chair's Duties. The Chair retains his or her ability to discuss and vote on issues before the Appeals Board. The Chair shall:
 1. Preside at all meetings.
 2. Rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanities; or other remarks which are not about the topic before the Appeals Board.
 3. Restate all motions as pursuant to Section 6.E of these Bylaws.
 4. Appoint sub-committees.
 5. Call special meetings pursuant to Section 6.B of these Bylaws.
 6. Act as an ex-officio member of all sub-committees of the Appeals Board.
 7. Review items on the agenda with staff prior to an Appeals Board meeting if he or she so chooses.
 8. Represent the Appeals Board, along with the City Commission Liaison, in front of the City Commission.
 9. Perform such other duties as may be ordered by the Appeals Board.
- D. Vice-Chair's Duties. The Vice-Chair shall:
 1. Act in the capacity of the Chair in the Chair's absence.
 2. Perform such other duties as may be ordered by the Appeals Board.

E. Secretary's Duties. The Secretary shall:

1. At each meeting of the Appeals Board take notes for minutes.
2. Execute documents in the name of the Appeals Board.
3. Be responsible for the minutes of each meeting.
4. Review the draft of the minutes and submit them for approval to the Appeals Board.
5. Receive all communication, petitions, and reports to be addressed by the Appeals Board.
6. Keep attendance records pursuant to Section 2.B of these Bylaws.
7. Provide notice to the public and members of the Appeals Board for all regular and special meetings, pursuant to the Open Meetings Act, Public Act 267 of 1976, as amended.
8. Prepare an agenda for Appeals Board meetings pursuant to Section 6.J of these Bylaws.
9. Perform such other duties as may be ordered by the Appeals Board.

5. Demand for Appeal

- A. Filing. The following may file for an appeal or zoning interpretation:
1. City property owner or their authorized agent.
 2. Interested party with property owner's permission provided in writing.
 3. Officer, department, board, or bureau of the State or local unit of government.
- B. The filing for an appeal of a decision or for a variance shall be in writing on a form provided by the Community Development Department and application fees shall be paid at time of submission.
- C. The Community Development Department shall prepare copies of the below for inclusion in the package delivered to Appeal Board members:
1. Copies of the application and all provided supporting documentation.
 2. Previous zoning permits and records of Appeal Board action.
 3. Other relevant correspondence or permits by other applicable enforcement agencies.
 4. Anything else which is relevant.
- D. Notice. The notice shall meet the requirements of the Zoning Ordinance Sections 78-406 and 78-377.
- E. Deadline for Action. The Appeals Board shall decide on all matters brought before them within 90 days of the date of the filing of the appeal.
- F. Notice of Decision. The Secretary shall deliver notice of the Appeal Board's decision in-person or by mail to the zoning administrator, the petitioner or their authorized agent, and anyone else requesting a copy in writing.
- G. Variances expire if not acted upon within one year from the date of approval.

6. Meetings

- A. Regular Meetings. Meetings of the Appeals Board will be held the first Thursday of every month at 7:00p.m. at City Hall located at 201 S. Main Plymouth, MI 48170. When the regular meeting date falls on a legal holiday, the Appeals Board shall select a suitable alternate day in the same month. An annual notice of regularly scheduled meetings will be drafted and shall comply with Public Act 267 of 1967, as amended, known as the Open Meetings Act.
- B. Special Meetings. Special meetings shall be called in the following manner:
1. By the Chair.
 2. By any two members of the Appeals Board.
 3. By the Chair at the request of a non-member of the Appeals Board.
 4. Notices shall be given to each Appeals Board member at least forty-eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year, and location of the meeting. Notices shall comply with the Open Meetings Act.
- C. Recess. The Chair, or the Appeals Board after the meeting has been in session for three hours shall suspend the Appeal Board's business and evaluate the remaining items on its agenda. The Appeals

Board shall then decide to finish that meeting's agenda, may act to continue the meeting on another day, or complete some agenda items and postpone certain agenda items to the next regular meeting.

- D. Quorum. More than half the total number of seats for members of the Appeals Board, regardless of whether vacancies exist or not, shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day. If fewer than five members are present when hearing a case, the Appeals Board shall present the applicant the opportunity to postpone until a full Board is present.
- E. Motions.
 1. Motions shall be restated by the Chair before a vote is taken.
 2. Motion Content. All actions taken shall include each of the following parts:
 - i. A finding of fact, listing what the Appeals Board determines to be relevant facts in the case to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - ii. The Appeals Board's action: approval, approval with conditions, or denial.
- F. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Appeals Board and shall be "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or the majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. Use variances require the affirmative vote of four members of the Appeals Board.
- G. Appeals Board Action. Action by the Appeals Board on any matter which requires a public hearing shall not be taken until the hearing has been concluded.
- H. Parliamentary Procedure. Parliamentary procedure in Appeals Board meetings shall be informal. However, if required to keep order, Appeals Board meetings shall then be governed by Robert's Rules of Order Newly Revised (12th Edition) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different from Robert's Rules, then these Bylaws prevail.
- I. Public Participation. All regular and special meetings, hearing, records, and accounts shall be open to the public.
 1. All public comment that is pertinent to the Appeals Board, but unrelated to a specific item on the agenda may be presented during "Citizen Comments".
 2. The public will be given the opportunity to speak on each case after the applicant, owner, or agent has presented his or her case to the Appeals Board. If an agenda item or case does not have an applicant presentation, then public comment will occur after introduction by the Chair or presentation by staff or consultant.
 3. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comments at the Appeals Board meeting with an extended time limit.
- J. Order of Business. The Secretary shall prepare an agenda for each meeting and the order of business shall be as follows:
 1. Call to Order, roll call, and Pledge of Allegiance
 2. Citizen Comments
 3. Approval of the Minutes
 4. Approval of the Agenda
 5. Old Business (unfinished business)
 6. New Business
 7. Board Member Comments
 8. Reports and Correspondence
 9. Adjournment

- K. Delivery of Agenda. The agenda and accompanying materials shall be hand delivered and/or electronically delivered to Commission members so that members shall receive the packet of information by Friday of the week prior to the regular meeting date.
- L. Placement of Items on the Agenda.
 - 1. The Community Development Department shall be the office of record for the Appeals Board.
 - 2. The Community Development Department may receive requests for appeal and zoning interpretations on behalf of the Appeals Board in a timeline that is in accordance with the public hearing requirements and legal advertisement publishing deadlines. The Department's deadlines are published annually and are updated as necessary.
 - 3. Items received by the Community Development Department after the Department's published deadline shall be placed on the following month's agenda.
 - 4. The deadline to add all other items not requiring notice as a public hearing to the Appeals Board's meeting agenda shall be seven business days prior to the next regularly scheduled Appeals Board meeting.

7. Record

- A. Minutes and Record. The Secretary shall keep a record of Appeals Board meetings, which shall at a minimum include the following:
 - 1. Copy of the meeting notice.
 - 2. Affidavits of meeting notice postings.
 - 3. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 - i. Time and place the meeting was called to order
 - ii. Attendance
 - iii. Indication of others present
 - iv. Summary or text of points of all reports given at the meeting, and who gave the report and in what capacity. Alternatively, a copy of the report may be attached, if offered in writing.
 - v. Summary of all points made in public participation by the applicant, officials, and guests and an indication of who made the comments. Alternatively, a copy of the report may be attached, if offered in writing.
 - vi. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - 1. A statement of what is being approved (i.e., non-use variance, use variance, etc.)
 - 2. The location of the property involved (parcel number is best)
 - 3. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes)
 - 4. What evidence was considered (summary of discussion by members at the meeting)
 - 5. The finding of fact
 - 6. Reasons for the decision made (If the decision is to deny, then each reason should refer to a section of an ordinance which would be violated, or with which not complied)
 - 7. The decision
 - 8. A list of all required improvement if any
 - 9. List of all changes to the elevation/drawing/site plan that was submitted
 - vii. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained, or a statement the vote was unanimous. If not a roll call vote, then simply a

statement: "Motion passed/failed number of votes in majority to number of votes in minority".

- viii. When a voting member enters or leaves a meeting.
- ix. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting, and deliberations at a meeting.
- x. The attendance and ruling if a quorum exist or not.
- xi. The start and end of each recess.
- xii. Summary of announcements.
- xiii. Summary of informal actions or agreement on consensus.
- xiv. Time of adjournment.

- 4. Records of any action, support documents, elevations, site plans, photographs, correspondence received, attached as an appendix to the minutes.

- B. Retention. Appeals Board records shall be preserved and kept on file according to the following schedule, as adopted by the State of Michigan:

- 1. Minutes, oaths of officials, other records of decisions, Appeals Board or department publications, correspondence: Permanent.
- 2. Bills and/or invoices, receipts, purchase orders: 7 years.

8. Appeals Board Staff

- A. Authorization. The Appeals Board staff may consist of a Community Development Director and such other personnel as may be authorized after the budget for the same is approved by the City Commission.
- B. Advocacy. The Appeals Board staff shall not attempt to represent the views or comments of a member of the public at an Appeals Board meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Appeals Board in person, through an agent, or by providing written comment.

9. Adoption, Repeal, and Amendments

- A. Upon adoption of these Bylaws of March 3, 2022, they shall become effective, and all previous Bylaws shall be repealed.
- B. The Appeals Board may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- C. These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the members present.



WEBSTER TOWNSHIP

Zoning Board of Appeals | DECISION FORM

Resolution Rendering a Decision on Application No.

Variance from the Requirements of the Zoning Ordinance
 Interpretation of the Provisions of the Zoning Ordinance

Interpretation of the Zoning Map

Classify a use that is not specifically mentioned within any zoning district
 Appeal of a Decision on Site Plan Review by the Planning Commission
 Approval of expansion on legal non-conforming structures

Appeal of an Administrative Order, Requirement, Decision or Determination by a Township Board or Official as related to the enforcement of the Zoning Ordinance

As determined at a Public Hearing of the Webster Township Zoning Board of Appeals

Date

Time

ZONING BOARD OF APPEAL MEMBERS

Name	Present	Absent	
<i>Chair</i>			
<i>Vice-Chair</i>			
<i>Secretary</i>			
<i>Member</i>			
<i>Member</i>			
<i>Member/Trustee</i>			

APPLICANT INFORMATION

Alternate Member (if any)			
Company Name			
First Name		Last Name	
Address			
E-mail		Phone	

SUBJECT PROPERTY

Parcel ID	C- 03-	Lot size		Zoning	
Address					

PROPERTY OWNER INFORMATION (If different from the applicant)

Company Name (if any)			
First Name		Last Name	
Address			
E-mail		Phone	

Webster Township Zoning Board of Appeals | **DECISION FORM**

Meeting Date:_____ | Application No._____ | Page 2 of 5

PURPOSE OF THE REQUEST / APPEAL

ZBA FINDINGS OF FACTS

Webster Township Zoning Board of Appeals | **DECISION FORM**

Meeting Date:_____ | Application No._____ | Page 3 of 5

ZBA MOTION & CONDITIONS (IF ANY)

The following preamble and resolution were offered by member

and supported by member

Motion to Zoning Board of Appeals:

Webster Township Zoning Board of Appeals | **DECISION FORM**

Meeting Date:_____ | Application No._____ | Page 4 of 5

REASONS FOR RULING

Webster Township Zoning Board of Appeals | **DECISION FORM**

Meeting Date: _____ | Application No. _____ | Page 5 of 5

VOTING ON MOTION					
NAME	AYE	NAY	ABSTAIN	SIGNATURE	DATE
<i>Chair</i>					
<i>Vice-Chair</i>					
<i>Secretary</i>					
<i>Member</i>					
<i>Member/Trustee</i>					
<i>Alternate Member</i>					

I, _____, secretary [or acting secretary] of the Webster Township Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision.

Signature

Date

- The Public Hearing was conducted in accordance with the State of Michigan Open Meetings Act, P.A. 267 of 1976.
- Meeting minutes were kept and are available upon request at the Township Hall.
- NOTICE OF RIGHT TO APPEAL: A party aggrieved by the decision may appeal to the Washtenaw County Circuit Court as provided under Section 606 of the Michigan Zoning Enabling Act, Public Act 110 of 2006

Left blank on purpose

Webster Township Board Resolution

RESOLUTION TO SUPPORT THE PLANNING COMMISSION AND ZBA

Number 16-21

WHEREAS, MCL 41.187 authorizes a Township to consult counsel; and

WHEREAS, the Township Board desires to ensure that it consults counsel before any major action is initiated to determine its legal and procedural aspects, rather than after it has been incorrectly completed; and

WHEREAS, the Township Board desires for Trustees, members of the Planning Commission and members of the ZBA follow consistent processes, understand expectations and hold each other accountable;

NOW THEREFORE BE IT RESOLVED THAT the Township Board will require counsel to attend ZBA meetings; and

The Township Board will support the Planning Commission's request to have legal counsel attend meetings with a Site Plan Review on the agenda; and

The Township Board will strongly encourage all officials, ZBA members and Planning Commission members to attend training relevant to, but not limited to: Planning, Zoning, Ordinance Enforcement, and roles of the ZBA; and

The Township will pay for a training subscription, at no cost to any employee or commission member.

The foregoing resolution offered by Trustee, Shelly Vrsek
Second offered by Board Member Harms.

Upon roll call vote, the following voted:

"Aye": Westman, Scharf, Munzel, Harms, Vrsek

"Nay": Calleja, Kingsley

John Kingsley, Supervisor declared the resolution adopted.

Barbara Calleja, Clerk



Date: April 20, 2021



Memorandum

Zoning Board of Appeals Meeting Calendar

DATE April 30, 2024

TO Webster Township Zoning Board of Appeals

FROM Sri Ravali Komaragiri, AICP, Township Planner

INTRODUCTION

It is a good practice to have a consistent schedule for the ZBA meetings. A tentative date can indeed be helpful for applicants to plan their submissions and to meet the requirements for proper advertising of the public hearings. The first Tuesday of every month is reserved for ZBA meetings. The following items should be coordinated when a change of date is required.

1. The local newspaper is published only once a week.
2. The Township Hall is reserved for other meetings for the most part.
3. Availability of Township consultants.
4. More importantly, the availability of a quorum.

FOR ZBA CONSIDERATION

While it's important to maintain a consistent schedule, we acknowledge some flexibility that may be necessary in exceptional circumstances. Communicate any changes as early as possible will help with planning.

A copy of Webster Township meetings calendar is attached. It includes all boards and commission meeting. If there is any scheduled date for the ZBA may not work for you, please notify the chair or the zoning administrator at the earliest possible.

2024-25

Webster Township Board Meeting Schedule

M	Natural Features 5:30 PM	T	Board Meetings 7 PM	W	PC Meetings 7 PM
M	PDR 6:30 PM (as required)	T	ZBA Meetings 7 PM (as required)	Th	Parks & Rec, 7 PM
	Holidays		Work Week		

April '24						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May '24						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June '24						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July '24						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August '24						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September '24						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October '24						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November '24						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December '24						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January '25						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February '25						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March '25						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					