



ZBA Meeting

Cancelled

Date: October 7, 2020

Time: 7:00p.m.

Place: Union Township Hall

Posted on October 7, 2020

Andy Theisen, Chair Charter Township of Union Zoning Board of Appeals

**Notice of an Electronically Conducted
Regular Meeting of the Charter Township of Union
Zoning Board of Appeals**

Notice is hereby given that the Charter Township of Union Zoning Board of Appeals will conduct a regular meeting electronically on Wednesday, October 7, 2020 at 7:00 p.m., consistent with direction from the Governor and state and county health officials to slow the spread of the COVID-19 virus.

The Township Hall remains closed to the public, so there will be no in-person public attendance in the Township Hall Board Room (2010 S. Lincoln Rd., Mt. Pleasant, MI 48858), although some Planning Commission members and Township staff may choose to participate from this location.

All interested persons may attend and participate. The public may participate in the meeting by computer and smart phone using the following link to the electronic meeting location:
<https://us02web.zoom.us/j/83897448303?pwd=ZE1RMklyWUttYTVhIMkRaVEEnZ1VQQT09>
(Meeting ID: “838 9744 8303” Passcode: 038923) The moderator will open public access to the electronic meeting space at 6:55 p.m.

To participate via telephone conference call, please call (312) 626-6799. Enter “838 9744 8303” and the “#” sign at the “Meeting ID” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

The meeting agenda, packet of materials relating to the meeting, and instructions for connecting to the meeting electronically are available on the Township’s website under “Minutes and Board Packets” at <http://www.uniontownshipmi.com/>.

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please use the “Raise Your Hand” button at the bottom center of the screen. To raise your hand for telephone dial-in participants, press “star” and then the number “nine” (*9). The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

If there are a large number of participants, the Chair may choose to call on individuals by name or telephone number. Please speak clearly and provide your name and address before making your comments. Please note that the meeting moderator will control the muting and unmuting of participants during public comment.

Written comments to the Zoning Board of Appeals may also be delivered to the drop box at the Township Hall. Comments received prior to 3:00 p.m. on the day of the meeting will be read aloud to the Zoning Board of Appeals.

Persons with disabilities needing assistance to participate should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance may contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

**Instructions to Participate in an Electronically Conducted
Regular Meeting of the Charter Township of Union
Zoning Board of Appeals**

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Raise Your Hand for Citizen Participation During the Public Comment Periods

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please **click on the “Raise Your Hand” icon** near the bottom of your screen.



Click “Lower Hand” to lower it if needed. The host will be notified that you have raised your hand. The Mute/Unmute function will be controlled by the meeting moderator.

To raise your hand for telephone dial-in participants, press “star” and then the number “nine” (*9). The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

Do I need to download the Zoom app to access the meeting? No. Use of the Zoom app is recommended, but you will have options to “download & run Zoom” or “join from your browser” when you click on the link to join the meeting.

Can I Use Bluetooth Headset? Yes, if the Bluetooth device is compatible with the computer or mobile device that you are using.

Do I have to have a webcam to join on Zoom? While you are not required to have a webcam to join a Zoom Meeting, you will not be able to transmit video of yourself. You will continue to be able to listen and speak during public comment and view the webcam video of other participants.

Leaving the Meeting: Click the “Leave Meeting” link at the bottom right corner of the screen at any time to leave the meeting.



ZONING BOARD OF APPEALS

Regular Electronic Meeting. Instructions for access will be posted
and available on website (uniontownshipmi.com) home page

October 7, 2020

7:00p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
 - March 4, 2020 Regular ZBA Meeting
5. CORRESPONDENCE / BOARD REPORTS
 - Boards and Commissions Expiration Dates
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
8. NEW BUSINESS
 1. **Training Work Session – New Zoning Ordinance** (Community and Economic Development Director)
9. OTHER BUSINESS
10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
11. FINAL BOARD COMMENT
12. ADJOURNMENT

Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squatrito	2/15/2023
3-Vice Chair	Ryan	Buckley	2/15/2022
4-Secretary	Alex	Fuller	2/15/2023
5-Vice Secretary	Mike	Darin	2/15/2022
6	Stan	Shingles	2/15/2021
7	vacant seat		2/15/2020
8	James	Thering Jr.	2/15/2021
9	Doug	LaBelle II	2/15/2022
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/18/2021
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	Taylor	Sheahan-Stahl	12/31/2021
5 - Vice Secretary	Judy	Lannen	12/31/2022
Alt. #1	Brandon	LaBelle	12/31/2022
Alt. #2	Jim	Engler	2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2020
2	James	Thering, Jr.	12/31/2020
3	Bryan	Neyer	12/31/2020
Alt #1	Randy	Golden	1/25/2021
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Don	Long	12/31/2020
2	Mike	Lyon	12/31/2020
3	vacant seat		12/31/2018
4-BOT Representative	vacant seat		11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2021
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2021
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2020
2	John	Dinse	12/31/2021
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2021



Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Ben	Gunning	11/20/2020
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2021
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term -PC Appointments)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2020
2 - PC Representative	Mike	Darin	8/15/2022
3 - Township Resident	Matt	Mertz	8/15/2021
4 - Township Resident	Jeremy	MacDonald	10/17/2022
5 - Member at large	Connie	Bills	8/15/2021

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Regular Meeting

A regular meeting of the Charter Township of Zoning Board of Appeals was held on March 4, 2020 at 7:00 p.m. at Union Township Hall.

Meeting was called to order at 7:00 p.m.

Roll Call

Present: Ryan Buckley, Judy Lannen, Liz Presnell, Andy Theisen, and Brandon LaBelle

Absent: Taylor Sheahan-Stahl and Jim Engler

LaBelle called to the table in the absence of Sheahan-Stahl

Others Present

Community and Economic Director, Rodney Nanney; Township Planner, Peter Gallinat; & Administrative Assistant, Jennifer Loveberry

Approval of Minutes

Buckley moved **Lannen** supported the approval of the January 20, 2020 minutes as presented.

Vote: Ayes: 5 Nays 0. Motion carried.

Approval of Agenda

Lannen moved **Presnell** supported to approve the agenda as presented. **Vote: Ayes: 5 Nays 0.**

Motion carried.

Election of Officers Per ZBA Rules and Procedures

Presnell moved **Buckley** supported to appoint Andy Theisen as Chair. **Vote: Ayes: 4 Nays: 0.**

Motion carried.

Theisen moved **Lannen** supported to appoint Liz Presnell as Vice-Chair. **Vote: Ayes: 5 Nays: 0. Motion carried.**

Buckley moved **LaBelle** supported to appoint Sheahan-Stahl as Secretary. **Vote: Ayes: 5 Nays: 0. Motion carried.**

Presnell moved **Buckley** supported to appoint Lannen as Vice-Secretary. **Vote: Ayes: 5 Nays: 0. Motion carried.**

Training Work Session (Community and Economic Development Director)

Work Session Training held to discuss Nine Golden Rules with Zoning Board of Appeals

Public Comment: Restricted to (3) minutes regarding issues not on this Agenda

Open – 8:23 p.m.

No comments were offered.

Closed – 8:23 p.m.

Adjournment

Chair Theisen adjourned the meeting at 8:23 p.m.

APPROVED BY:

**Taylor Sheahan-Stahl –Secretary
Judy Lannen – Vice Secretary**

(Recorded by Jennifer Loveberry)

DRAFT

NEW ZONING ORDINANCE

TO: Zoning Board of Appeals	DATE: September 23, 2020
FROM: Rodney C. Nanney, AICP, Community and Economic Development Director	
ACTION REQUESTED: Hold a training work session to become familiar with the new Zoning Ordinance and updated "Variances and Appeals" section.	

Background Information

On September 9, 2020, the Board of Trustees took the final action to adopt the new Union Township Zoning Ordinance No. 20-06. Per the requirements of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the new Zoning Ordinance went into effect on September 21, 2020. Paper copies of the new Zoning Ordinance are in the process of being prepared for you – please watch for an email that will let you know when the copies are available to be picked up at the Township Hall.

The new Zoning Ordinance is also available on the Township's website at <http://www.uniontownshipmi.com/> under "Departments" on the "Zoning and Planning Services" webpage or by going directly to the following link:

<http://www.uniontownshipmi.com/Departments/ZoningandPlanningServices/NewZoningOrdinance.aspx>

The new Zoning Ordinance is comprehensive in character and is up to date with current state laws and established case law. The ordinance is organized for ease of navigation and readability, with additional tables, graphics, and flowcharts. Site plan and special land use approval processes have been updated to improve outcomes, provide additional certainty to applicants, and allow for input from the Planning Commission earlier in the site design process.

The Planned Unit Development (PUD) option has been updated to make this a more attractive option for developers, and a more effective tool for implementation of Master Plan policies in the Bluegrass Area. Substantial improvements have also been made to the amendments section, site development standards (landscaping, exterior lighting, parking, etc.), and sign regulations.

The "Variances and Appeals" section (Section 14.4) has also been updated. Staff would like to use our October 7, 2020 meeting for a training session to help you become familiar with the new Zoning Ordinance in general, and to specifically review and discuss Section 14.4. Attached is a handout of excerpts from this section, with elements bolded and highlighted to guide our discussion.

Please take time before the meeting to review Section 14.4 and to scan through the rest of the new ordinance – with particular focus on sections that come up in variance requests, such as signs, accessory structures, and dimensional standards.

All regular and alternate members of the Board of Appeals are asked to attend this meeting.

Remote Access to the Electronic Meeting

Per with Governor Whitmer’s COVID19 virus pandemic-related executive orders, we will need to hold this meeting as an “electronic meeting” via video/telephone conference using the Zoom Cloud Conferencing app. There will be no in-person public attendance at the Township Hall, although staff may participate from the Township offices.

For the best experience when connecting into the electronic meeting via a computer or smartphone, **please download the free “Zoom Cloud Conferencing” app** at the <https://zoom.us/> website or by going directly to the following link: <https://zoom.us/client/latest/ZoomInstaller.exe>

To connect to the meeting over the Internet via a computer or smartphone, please use this link: <https://us02web.zoom.us/j/83897448303?pwd=ZE1RMkIYWUtYTVhIMkRaVEdnZ1VQQT09>

Please note that you may be asked to enter your name and email address to connect into the electronic meeting via computer or smartphone.

To dial in via a telephone call for audio-only access, please call the following phone number set aside by Zoom for this purpose: (312) 626-6799. When you hear the “Webinar ID” prompt, type in “83897448303” followed by the “#” sign. When you hear the “Passcode” prompt, type in “038923” and the “#.” Finally, re-enter the “#” sign again at the “Participant ID” prompt to enter the meeting.

If you would like to test your ability to access the electronic meeting, please contact Rodney Nanney at (989) 772-4600 ext. 232 or via email at RNanney@uniontownshipmi.com to make arrangements to open the Zoom meeting space early for a test session. The Zoom meeting space will also be open at least 15 minutes before the meeting’s start-time.

Section 14.4 Variances and Appeals

- A. **Intent.** The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.
- B. **Authority of the Zoning Board of Appeals.**
1. **General Authority.** The Zoning Board of Appeals (ZBA) shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. **The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.** The ZBA has no authority to grant variances or overturn decisions involving special uses or planned unit developments.
 2. **Administrative Review.** Appeals may be taken to the ZBA by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within thirty (30) days of the order, requirement, decision or determination in question.
 - a. In hearing and deciding appeals under this subsection, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, board or commission from whom the appeal is taken.
 - b. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.

- c. **The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination**
 - a. **constituted an abuse of discretion,**
 - b. **was arbitrary or capricious,**
 - c. **was based upon an erroneous finding of a material fact or**
 - d. **was based upon an erroneous interpretation of the Zoning Ordinance.**
- i. After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirements, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.
- ii. To that end, the ZBA shall have all the powers of the official(s) from whom the appeal is taken.

3. **Interpretation.** The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. **The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed.**

Text interpretations shall be limited to the issues presented and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance.

Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

4. **Variances**. The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance **by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done**. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. **The ZBA is not authorized to grant use variances** by this Ordinance.

Authority to grant dimensional or non-use variances shall be exercised in accordance with the following standards.

- a. **Practical Difficulties**. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist *and* that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:
- i. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, ***will unreasonably prevent the owner from using the property for a permitted purpose*** or will render ordinance conformity unnecessarily burdensome.
 - ii. The variance will do ***substantial justice*** to the applicant, ***as well as to other property owners***.
 - iii. A ***lesser variance than requested will not give substantial relief*** to the applicant and/or be consistent with justice to other property owners.
 - iv. The problem and resulting need for the variance has not been ***self-created*** by the applicant and/or the applicant's predecessors. (For example, a variance needed for a proposed lot split would, by definition, be self-created, so such a variance typically would not be granted.)

- b. **Responsibility of Applicant to Provide Evidence.** In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

5. **Conditions.** The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. **Conditions imposed shall meet the following requirements:**

- a. **Be designed to protect** natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. **Be related to the valid exercise of the police power**, and purposes which are affected by the proposed use or activity.
- c. **Be necessary** to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.