

CITY OF NORTHVILLE
Board of Zoning Appeals
November 2, 2016 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Chair Silvestri called the meeting to order at 7:30 p.m.

II. ROLL CALL:

Commissioners: Present: John Callahan
David Marold
Patti Mullen
Dominic Silvestri
Jay Wendt
Douglas Bingham - alternate

Absent: Ryan McKindles – excused
Michelle Aniol - unexcused

Also present: Sally Elmiger, Planning Consultant
1 resident (Alternate Ronayne)

III. APPROVAL OF THE AGENDA:

Planning Consultant Elmiger noted that Case #16-08 was being withdrawn at the request of the applicant, and that ZBA By-Laws needed to be added under Item VIII. Discussion.

Motion Mullen, support by Marold, to approve the agenda as amended.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

IV. MINUTES OF PREVIOUS MEETING: October 5, 2016

Motion Aniol, support by Marold, to approve the October 5, 2016 meeting minutes as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

V. CASES TO BE HEARD – BY CASE:

- A. Case is called.
- B. Appellant presents case.
- C. Board questions & comments.
- D. Public comments on the case.
- E. A motion (usually to grant the variance) is made and seconded; discussed then voted upon; the results are announced by the Chair.

VI. CASE #16-08

**FIRST UNITED METHODIST CHURCH
777 EIGHT MILE ROAD**

The applicant is seeking three variances to erect a new sign on premises zoned R1-A First Density Residential District, parcel number 48-002-99-0001-000. The City's Building Official evaluated the proposal, and has determined that the maximum sign area allowed for this sign is 40 square feet, six feet in height, and located 10 feet from the property line. The applicant is proposing to erect a sign of 113.2 square feet, at 8-feet 2-inches in height and four feet from the property line. Therefore, variances for 73.2 square feet in area, 2-feet 2-inches in height, and six feet distance from the property line are needed from Article 21 of the Zoning Ordinance to allow erection of the new sign.

As noted above, this case was withdrawn at the request of the applicant.

VII. PUBLIC COMMENTS:

None.

VII. DISCUSSION:

By-Laws

Planning Consultant Elmiger referred the Commission to the document: *By-Laws of the City of Northville Board of Zoning Appeals, draft October 10, 2016*. The By-Laws outlined the "rules of order or procedures" that the BZA was to follow when holding meetings, considering requests, and making decisions. The By-Laws were not an ordinance, but the Board of Zoning Appeals must formally adopt them, and City Council must approve them.

The only revisions from the last draft were:

- Page 6, Section 7.9 Conflict of Interest, b):

The BZA member has a business or financial interest in the property involved in the request, or has a business or financial relationship with the applicant, or a financial interest in the applicant's company.

- Page 6, Section 7.9 Conflict of Interest, c):

The BZA member owns or has a financial interest in ~~the~~ a neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application, as required by the Zoning Ordinance or the Michigan Zoning Enabling Act.

Member Mullen asked if a conflict of interest had to involve a financial interest only. Planning Consultant Elmiger said that paragraph b was an example only.

The Board discussed various conflict of interest scenarios. Planning Consultant Elmiger said that ultimately recusal was the result of board action, achieved via a formal motion, after a Board Member had disclosed that they might have a conflict of interest.

Member Mullen asked what the ramifications were if a Board Member did not disclose a conflict. Planning Consultant Elmiger explained that the City Council had the ability to remove a Board Member based on malfeasance, or willful breaking of the law. If a variance were granted or denied by a one-vote margin when a Board Member did not disclose a conflict of interest, legal issues could result.

Chair Silvestri emphasized that it was better to err on the side of caution, and to disclose even a perceived conflict of interest.

Chair Silvestri asked if alternate members could vote on the election of officers. Planning Consultant Elmiger explained that per local policy, only full members could vote on election of officers. Chair Silvestri said he didn't want a situation where elections were not held in a timely way due to the absence of regular members.

In response to a question from Member Mullen, Planning Consultant Elmiger said that each member was responsible for notifying the Board if they had a conflict of interest. It was not the Board's place to poll each member for a potential conflict.

Member Callahan commented that everyone on the Board was an adult and should be trusted to make a disclosure when appropriate.

It came out in discussion that when a church or similar organization appeared before the Board, any BZA board member who was also member of the applying organization should disclose their membership and a decision could then be made as to whether the member should be recused.

Planning Consultant Elmiger explained that the email notices for meetings included applicant addresses, so that a member should be able to tell in advance if they had a conflict of interest, and therefore notify the City Clerk if a conflict existed.

Chair Silvestri noted that public comments were limited to 2 minutes for items not on the agenda. What was the limitation for public comment for items on the agenda? Planning Consultant Elmiger said this was not addressed in the Zoning Enabling Act, but could be up to the local Board.

Seeing that discussion had ended, Chair Silvestri asked for a motion.

MOTION Callahan, support by Mullen, to approve the By-Laws as amended in the October 10, 2016 draft.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Planning Consultant Elmiger explained that the By-Laws would next be submitted to City Council for their approval.

Member Marold asked if the Board could receive more complete information regarding cases when the emails went out from the Clerk's Office. Planning Consultant Elmiger said that the public hearing notice could be attached.

IX. ADJOURNMENT:

Motion Marold, support by Callahan, to adjourn the meeting at 7:55 p.m.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 1/4/2017