



**CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS AGENDA**

Thursday, February 23, 2017 – 5:30 PM

I. MEETING CALLED TO ORDER BY _____

II. ROLL CALL

Michelle Wietek Stephens, Chair	12/31/19	Present / Absent
Karen L. Alholm, Vice-Chair	12/31/18	Present / Absent
Kendell Milton, Secretary	12/31/17	Present / Absent
Mark Maki, Board Representative	Board term	Present / Absent
Geno Angeli, member	12/31/19	Present / Absent
Paul Charboneau, alternate	12/31/17	Present / Absent

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as (written / with additions) by: _____

Second by: _____

Vote – Ayes _____ Nays _____

IV. APPROVAL OF MINUTES

March 17, 2016 Zoning Board of Appeals regular meeting

Motion to approve the minutes as (written / with additions) by: _____

Second by: _____

Vote – Ayes _____ Nays _____

V. PUBLIC COMMENT

Limit of 3 minutes per person.

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

A. Appointment of Officers

1. Staff Introduction
2. Board Discussion
3. Board Decision

B. Review of 2017 Calendar

1. Staff Introduction
2. Board Discussion
3. Board Decision

C. Variance Questions

1. Staff Introduction
2. Board Discussion

VIII. PUBLIC COMMENT

Limit of 3 minutes per person.

IX. COMMISSIONER'S COMMENTS

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XI. ADJOURNMENT

ZBA Rules for Public Hearings and Public Comment (approved 10/22/09)

1. Please wait for chair to acknowledge you before speaking.
2. Begin by stating your name and address
3. Give your comments, opinion and/or question, on the issue being addressed.
4. To ensure that everyone has time to speak, we allow five (5) minutes per speaker. If time permits, the chair may or may not allow additional time.
5. Public comment limited to three (3) minutes per person for public comment, not to exceed fifteen (15) minutes total.
6. Zoning Board of Appeals members are not required to respond to comments, opinions, and/or questions from the floor, which the Board may choose to address immediately, however, when an answer is not immediately available, may choose to invite the member of the public to submit the comment/questions in writing to the Zoning Administrator, who would then provide a written response after appropriate research, preferably within 14 days.

Standards Applied by the ZBA to Make a Decision (approved 10/22/09)

1. **STANDARD:** Whether strict compliance with the requirements for area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such requirements as unnecessarily burdensome. *In other words, the applicant explains why it would be unreasonable to be compelled to comply with the requirements or what burden(s) would be created if there was mandatory compliance with the requirements.*
2. **STANDARD:** Whether granting the variance requested or a lesser variance where feasible would do substantial justice to the applicant as well as to the property owners in the area without altering the essential character of the neighborhood. *In other words, if the variance or a modified variance is granted the applicant explains why it would not adversely affect your neighbors and/or the character of the neighborhood.*
3. **STANDARD:** Whether the plight of the landowner is due to unique circumstances of the property. *In other words, if applicable, the applicant explains any unusual circumstances relevant to the property and that do not exist on other similar Township properties, and that will prevent compliance with the requirements of the ordinance.*
4. **STANDARD:** Whether the problem is self-created. *In other words, the applicant explains whether or not some action or activity that was taken by the property owner or previous owners resulted in the creation of a situation that now requires a variance from the zoning ordinance.*

NOTE: *These standards are in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, M.C.L. 125.3101 et.seq.(amended Dec 28, 2007 and Feb 29, 2008)*

5. The ZBA shall not grant USE VARIANCES. (Section XV of the Zoning Ordinance)
6. If there are **practical difficulties that are not self-created**, for a non-use variance, the ZBA has the authority to grant non-use variances relating to the construction, structure changes, or alteration of building or structures related to the dimensional requirements, or to any other non-use related standard within the zoning ordinance. (Michigan Zoning Enabling Act; Act 110 of 2006; MCL 125.3604, sec 604 (7) & (8)).