

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

September 17, 2013

6:30 P.M.

AGENDA

Call to Order:

Pledge of Allegiance:

Introduction:

Approval of Agenda:

Call to the Public: *(Please Note: The Board will not begin any new business after 10:00 p.m.)*

1. 13-23...A request by Charles Denning, Sec. 10, Parcel ID # 4711-10-301-029 on East Grand River, for a variance to add a carport on the property without a principle structure.
2. 13-24...A request by Bob Maxey Ford, Sec. 06, 2798 E. Grand River, for a variance to increase allowable wall sign square footage from 150 square feet to 169 square feet and to install two (2) additional walls signs which will exceed the maximum number of allowable wall signs by three (3) for a total of five (5) wall signs on the building.
3. 13-25...A request by Jane and Randy Evans, Sec. 28, 4444 Glen Eagles Court, for a variance from the deck setback requirement between condominium units to extend an existing deck.
4. 13-22...A request by Dr. Cyr and Patricia Crane, 4283 Clifford Road, for a 10-foot shoreline set back variance to construct an addition to the existing house.

ADMINISTRATIVE BUSINESS:

- A. ***Approval of minutes for the August 20, 2013 Zoning Board of Appeals meeting.***
- B. ***Addition of Conflict of Interest Section to Agenda***
- C. ***Correspondence***
- D. ***Member Discussion***
- E. ***Adjournment***



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 9/13/2013
RE: Variance Motion Format

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

I will discuss the background for this memo at the meeting on Tuesday evening, but in the future we should make motions on ZBA cases in the following way:

Moved by _____ supported by _____ to approve ZBA case # ____ for (NAME, ADDRESS OF APPLICANT, for DESCRIBE VARIANCE BEING GRANTED based on the following findings of fact:

1. LIST FINDINGS OF FACT BASED ON APPLICABLE STANDARDS FOR APPROVAL.

Subject to the following conditions:

1. LIST CONDITIONS IF ANY

Moved by _____ supported by _____ to deny ZBA case # ____ for (NAME, ADDRESS OF APPLICANT, for DESCRIBE VARIANCE BEING GRANTED based on the following findings of fact:

1. LIST FINDINGS OF FACT BASED ON APPLICABLE STANDARDS FOR APPROVAL.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

GENOA TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 13-23 Meeting Date: 9/17/13

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
- Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: CHARLE DENNING
~~Vacant~~ 5508 E. GRAND RIVER 734 634 5308
Property Address: 5508 HOWELL, MI Phone: 734 634 5308
Present Zoning: RESIDENTIAL Tax Code: 11-10-301-029

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: ADD 2ND CARPORT ON
PROPERTY ABOVE FOR CAMPER COVER
2. Intended property modifications: NONE

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) _____
- b. Other (explain) CAR PORT 18X26 - ALL ALUM & GAL STEEL
IN FRONT OF GARAGE

Variance Application Requires the Following:

- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. Note: Will need 8 copies of any drawings larger than 8 1/2 and 14 in size.
- Waterfront properties must indicate setback from water for adjacent homes
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Date: 8/21/13
Signature: Charles D. Denning

Property must be staked

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.

G&C CARPORTS INC.

"The company that believes in
quality and customer satisfaction"

1st Quality
**THE STRONGEST DELUXE CARPORTS
IN THE INDUSTRY!**

ENGINEER CERTIFIED STARTING AT ONLY

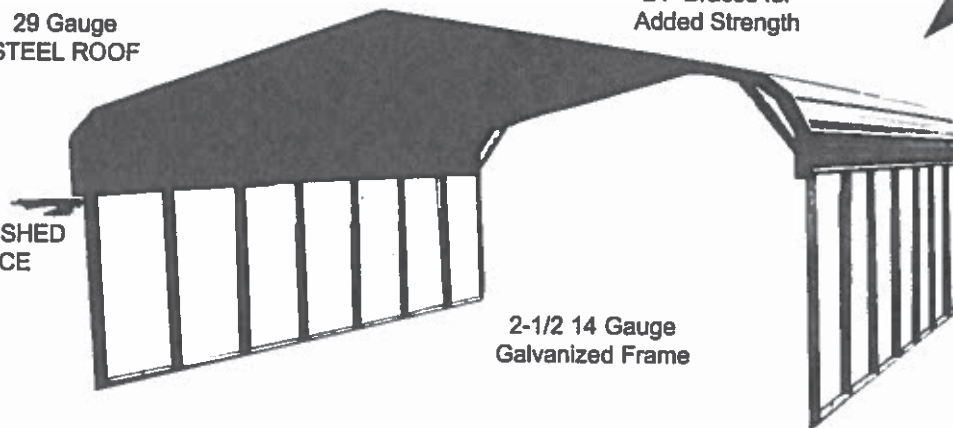
\$1075.00

29 Gauge
STEEL ROOF

24" Braces for
Added Strength

14 Gauge

TRIM FOR FINISHED
APPEARANCE



2-1/2 14 Gauge
Galvanized Frame

**14 GAUGE
5 FT. LEGS**

2-1/4" 12 GAUGE
20 YEAR WARRANTY
6 FT. LEGS

FREE Installation
on your Level Land
Temporary anchors for ground installation

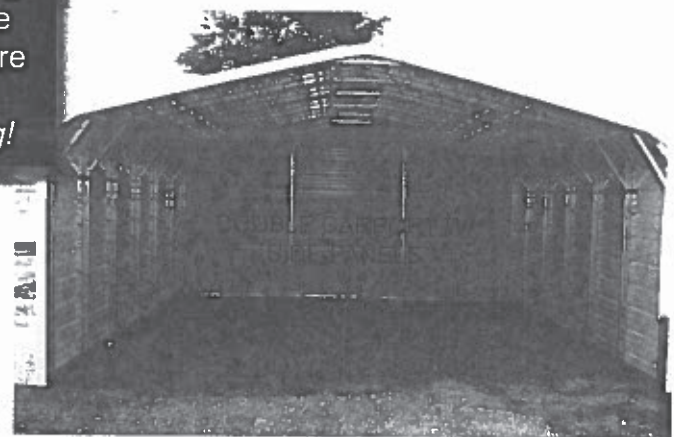
**MANY OPTIONS TO
CHOOSE FROM**
Custom sizes & colors,
carports, garages, storage
buildings, motor home
cover & warehouses are
available.
Call for special pricing!

**NOTE: Height starts at 5 ft. for future
garages height must be at least 6 ft.**



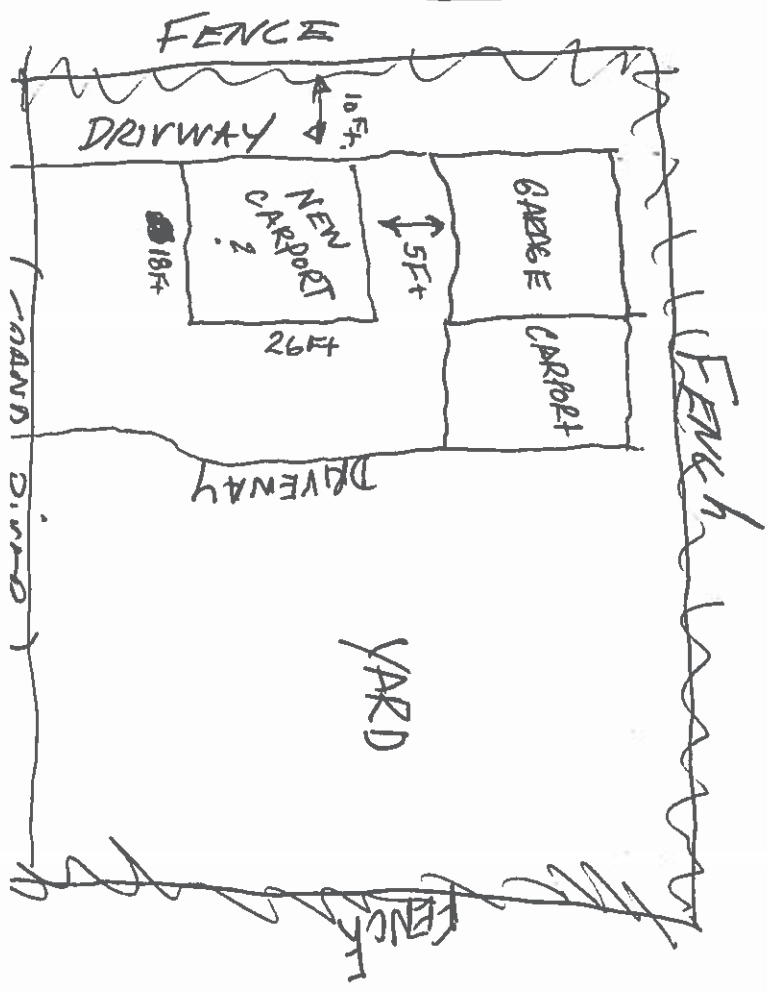
ENCLOSED DOUBLE
CARPORT W/GARAGE
DOOR

We Accept:



**We will match any
competitor's price on
equivalent buildings!**

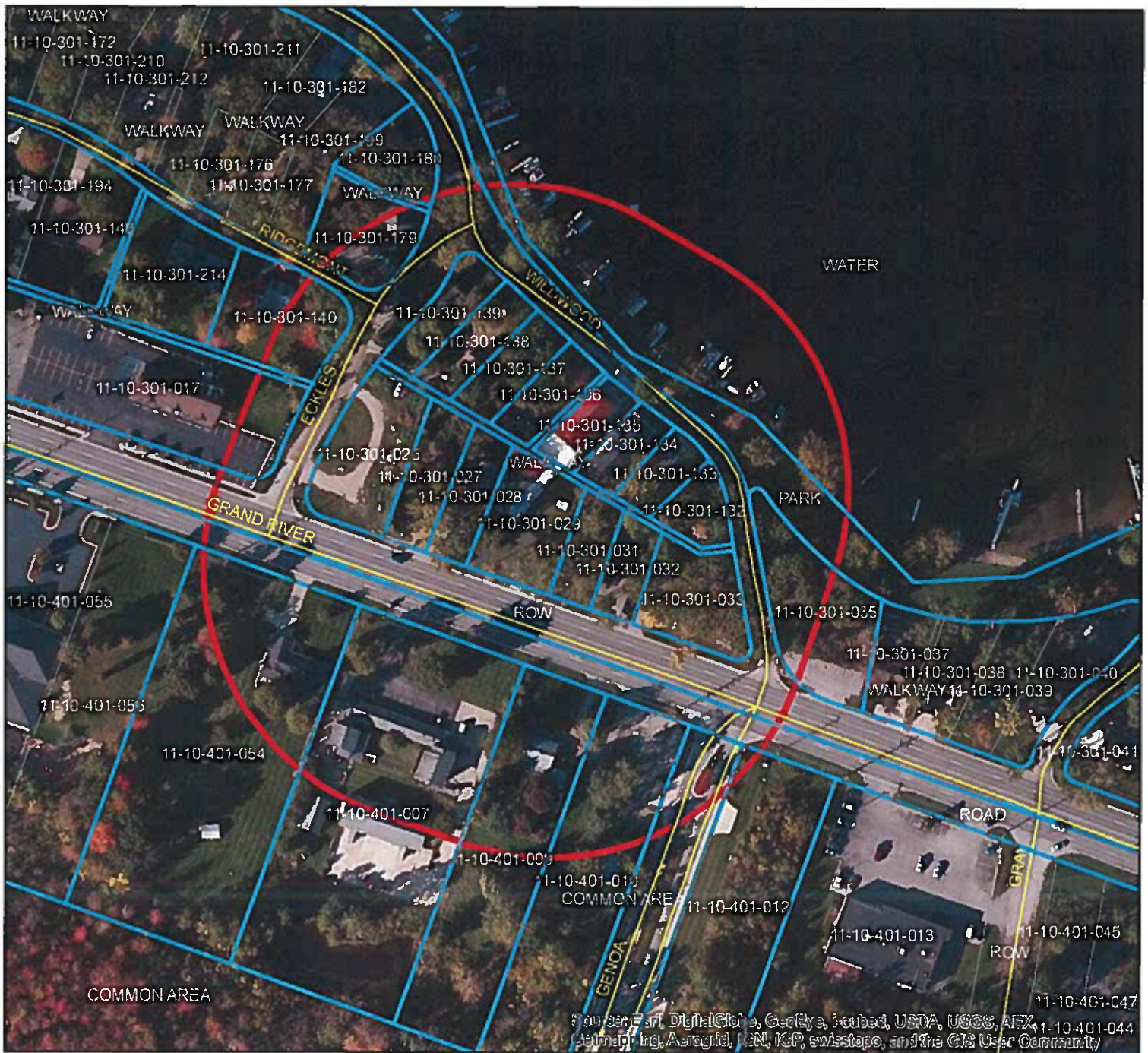
14 GAUGE 50# SNOW LOAD	12x21	\$975.00	18x21	\$1075.00	20x21	\$1335.00	22x21	\$1835.00	24x21	\$2035.00
	12x26	\$1335.00	18x26	\$1435.00	20x26	\$1735.00	22x26	\$2335.00	24x26	\$2535.00
	12x31	\$1635.00	18x31	\$1735.00	20x31	\$2035.00	22x31	\$2735.00	24x31	\$3035.00
	12x36	\$1935.00	18x36	\$2035.00	20x36	\$2435.00	22x36	\$3235.00	24x36	\$3535.00
	12x41	\$2135.00	18x41	\$2335.00	20x41	\$2735.00	22x41	\$3635.00	24x41	\$4035.00
12 GAUGE 60# SNOW LOAD	12x21	\$1185.00	18x21	\$1275.00	20x21	\$1680.00	22x21	\$2035.00	24x21	\$2235.00
	12x26	\$1585.00	18x26	\$1785.00	20x26	\$2185.00	22x26	\$2535.00	24x26	\$2835.00
	12x31	\$1985.00	18x31	\$2085.00	20x31	\$2585.00	22x31	\$3035.00	24x31	\$3335.00
	12x36	\$2285.00	18x36	\$2485.00	20x36	\$2985.00	22x36	\$3585.00	24x36	\$3985.00
	12x41	\$2580.00	18x41	\$2780.00	20x41	\$3380.00	22x41	\$4080.00	24x41	\$4980.00



New Carport
8/19/13



300 ft Buffer for Noticing



Source: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and The GIS User Community



Variance Case #13-23

Applicant: Charles Denning

Parcel: 4711-10-301-029

Meeting Date: 9-17-2013



August 22, 2013



Charter Township of Genoa
ZONING BOARD OF APPEALS
August 20, 2013
CASE #13-23

PROPERTY LOCATION: PID # 11-10-301-029

PETITIONER: Charlie Denning

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Neither Present (No Principal Building)

PETITIONERS REQUEST: Variance to place accessory building with no principal building

CODE REFERENCE: 11.04.01(a)

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Distance from Rear Building Line	Waterfront
Setbacks for Decks	N/A	N/A	N/A	N/A	N/A	N/A
Setbacks Requested	N/A	N/A	N/A	N/A	N/A	N/A
Variance Amount	N/A	N/A	N/A	N/A	N/A	N/A



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: September 13, 2013
RE: ZBA 13-23

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

STAFF REPORT

File Number: ZBA#13-23

Site Address: No Address

Parcel Number: 4711-10-301-029

Parcel Size: 0.161 Acres

Applicant: Charlie Denning, 5518 Wildwood, Howell, MI 48843

Property Owner: Same as Applicant

Information Submitted: Application, site plan, carport specs

Request: Dimensional Variance

Project Description: Applicant is requesting variances from article 11.04.01(a) to place an additional accessory building on a lot without a principal building.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), Two (2) Accessory Structure with no principle structures on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 1, 2013 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file:

- The parcel currently has two (2) accessory structures on the property (garage 24' X 21' and carport 18' X 21')
- The parcel has no principle building
- There was formerly a house on the property. A permit was issued for its demolition in 2005.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The applicant is proposing to place an 18' X 26' carport on the property located along Grand River Ave. There is no principle building located on the property, but there are two (2) other accessory buildings. The applicant owns the adjacent property directly to the north as depicted on the provided map.

Variance Requests

The regulations in the zoning ordinance pertaining to this variance are as follows:

11.04.01(a)

(a) Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

This section requires that a principle building is required to permit an accessory building.

Standards for Approval

The following is the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

23.05.03 Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

(b) Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

(c) Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Summary of Findings

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – The dimensional provision that would prevent the placement of a carport on the property is that this property lacks one principal building. The applicant does have the ability to place a house on the property.
- **Extraordinary Circumstances** – The proposed variance does not present any extraordinary circumstances or conditions that are more different than other properties in the same zoning district. There are accessory buildings present which are legal non-conforming accessory buildings on the property. The need for an additional accessory building is not created by any feature of the property, but is created by the applicant.
- **Public Safety and Welfare** – There should not be any public safety or welfare issues with the addition of a carport.
- **Impact on Surrounding Neighborhood** – The use of the property for additional storage may have a limited negative impact on the surrounding neighborhood. The property is visible from Grand River Ave and the outside storage of recreational vehicles without a principal building located on the same parcel may be considered unsightly.

Staff Findings of Fact

1. Practical difficulty which would prevent the placement of a principal building is not present.
2. There are no extraordinary circumstances or conditions applicable to the property, which are different from other properties in the LRR zoning district.
3. The placement of an additional carport would make the property less consistent with the properties in the nearby vicinity because the majority of residential properties in the nearby vicinity have a principal building.
4. The need for a variance was self-created by the applicant.
5. The placement of an additional carport will have a very limited if any impact on public safety.
6. The placement of an additional carport on the property could have a limited negative impact on surrounding properties.

ZBA Case # 13-23 Denning Principal Building and Parcel with Accessory Buildings



0 37.5 75 150 Feet

GENOA TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 13-24 Meeting Date: 9/17/13

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
- Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: Michael Maxey - Maxey Ford
Property Address: 2798 E. Grand River Phone: (517) 545-5700
Present Zoning: GOD Tax Code: 11-06-200-058

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: To increase allowable sq footage from 150 sf. to 169 s.f.
 2. Intended property modifications: Adding a new business onto ex. site to expand customer services.
- This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) _____

b. Other (explain) Adding a new business providing Corp. Brand Standards to comply with FORD MOTOR CO. TRADEMARK DESIGN CRITERIA

Variance Application Requires the Following:

- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. Note: Will need 8 copies of any drawings larger than 8 1/2 and 14 in size.
- Waterfront properties must indicate setback from water for adjacent homes
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Property must be staked

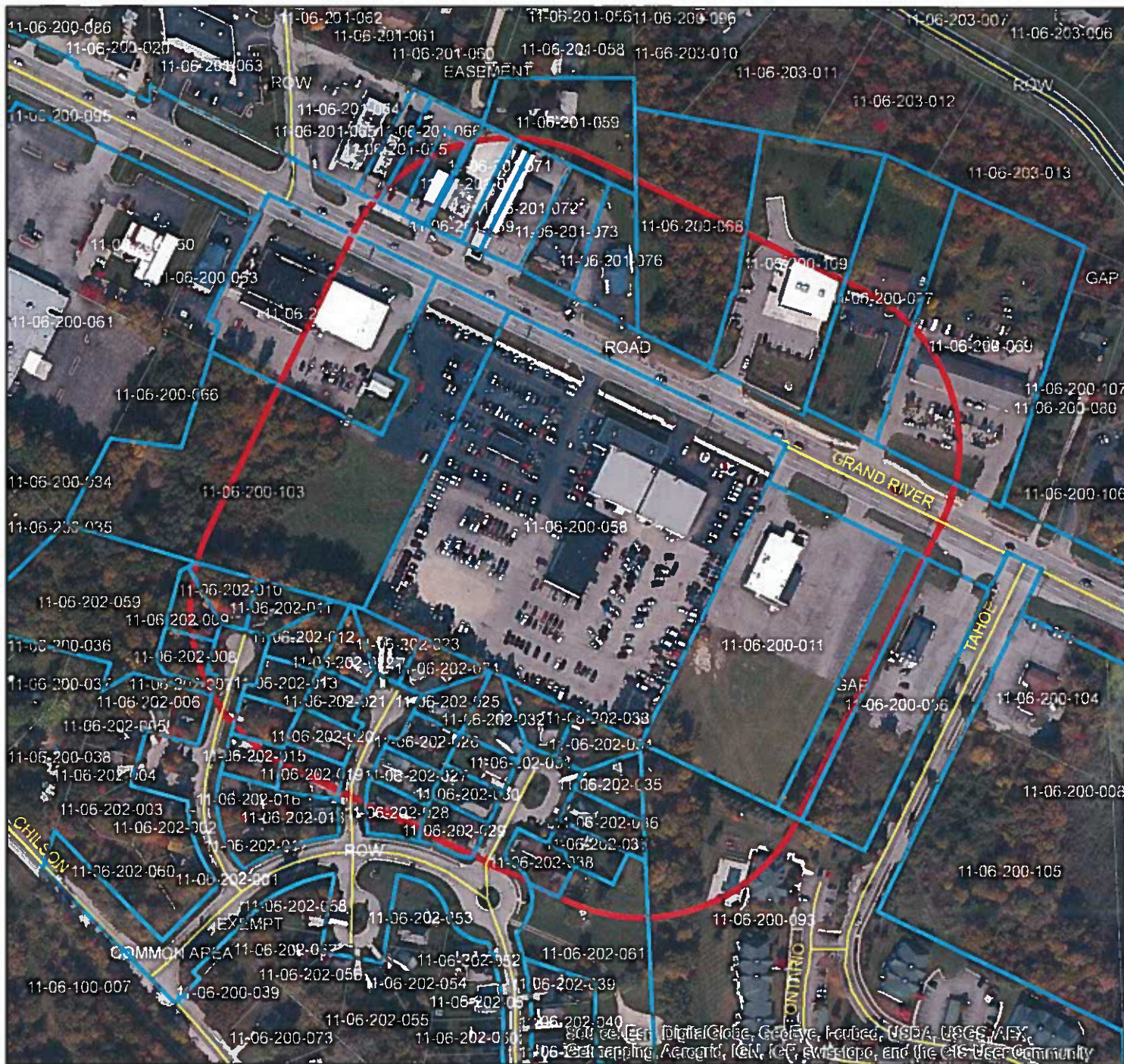
Date: 8-22-13

Signature: Michael Maxey

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.

300 ft Buffer for Noticing



Variance Case # 13-24

Applicant: Maxey Ford

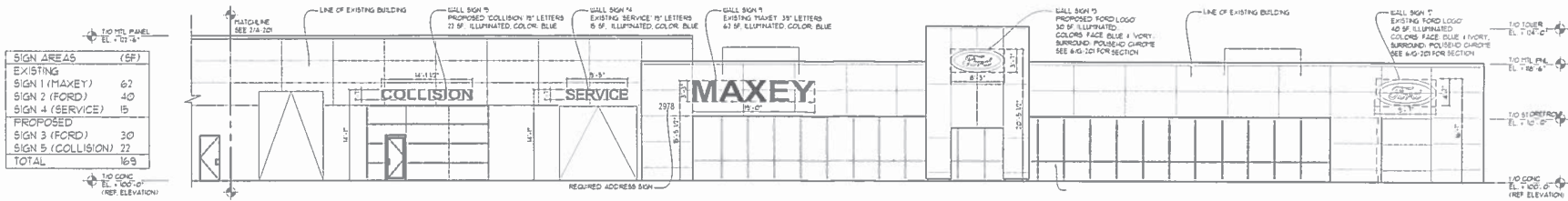
Parcel: 4711-06-200-058

Meeting Date: 9-17-2013



August 23, 2013

Map generated using DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, and the GIS User Community

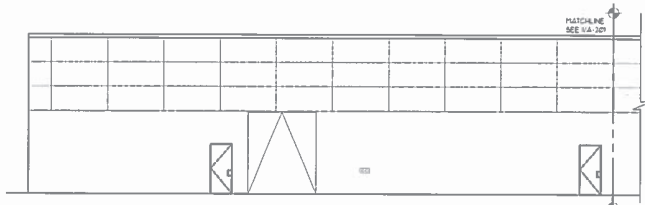


1 PROPOSED NORTH ELEVATION (PARTIAL)
VP1P

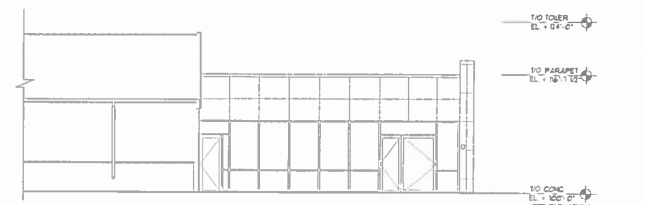
BUILDING SIGNAGE GENERAL NOTES:
ALL SIGNAGE PROVIDED AND INSTALLED BY OTHERS - G.C. TO PROVIDE POSER AND BLOCKING -
COORDINATE EXACT SIZE AND LOCATION WITH OWNER AND SIGNAGE SUPPLIER



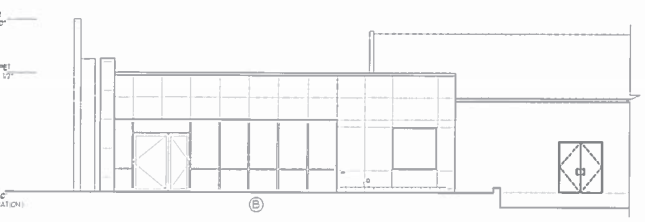
5 EXISTING NORTH ELEVATION SIGNAGE
NFS



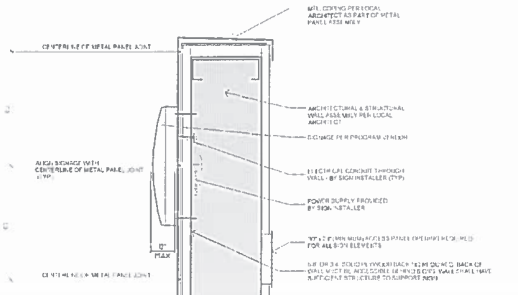
2 PROPOSED NORTH ELEVATION (PARTIAL)
VP1P



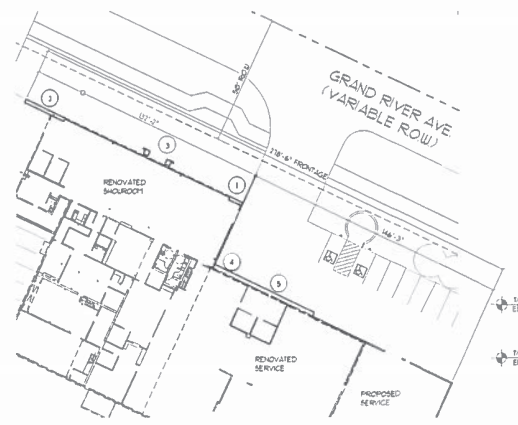
3 PROPOSED EAST ELEVATION
VP1P



4 PROPOSED WEST ELEVATION
VP1P



6 FORD LOGO SIGNAGE SECTION
NFS



7 SIGN LOCATION PLAN
NFS

notice
THIS ARCHITECTURAL DRAWING IS GIVEN IN STRICT CONFIDENCE. NO USE, IN WHOLE OR PART, MAY BE MADE WITHOUT PRIOR WRITTEN CONSENT OF CITYSCAPE ARCHITECTS, INC. ALL RIGHTS ARE HEREBY RESERVED.
CITYSCAPE ARCHITECTS, INC.
COPYRIGHT YEAR 2018

project title
MAXEY FORD
2788 E. Grand River Ave.
Howell, MI 48843

sheet title
BUILDING WALL SIGN SUBMITTAL
DO NOT SCALE DRAWINGS
USE PROVIDED DIMENSIONS ONLY

project number
12032

drawn CAI
approved CAI

issued date
REVIEW 09/21/13

sheet number

Charter Township of Genoa
ZONING BOARD OF APPEALS
September 17, 2013
CASE #13-24

PROPERTY LOCATION: 2798 E. Grand River

PETITIONER: Maxey Ford

ZONING: GCD (General Commercial District)

WELL AND SEPTIC INFO: Connected to sewer system, connected to public water

PETITIONERS REQUEST: 19 sf sign size variance, variance to allow to additional wall signs

CODE REFERENCE: Table 16.1

STAFF COMMENTS: See Attached Staff Report

	Size of Wall Sign	Number of Wall Signs	Other Side	Rear	Distance from Rear Building Line	Waterfront
Allowed Signage/Existing Signage	150 sf/NA	1/3	N/A	N/A	N/A	N/A
Requested Signage	169sf	2 additional for 5 total	N/A	N/A	N/A	N/A
Variance Amount	19sf	2	N/A	N/A	N/A	N/A



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: August 14, 2013
RE: ZBA 13-21

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

STAFF REPORT

File Number: ZBA#13-24

Site Address: 2798 E. Grand River

Parcel Number: 4711-06-200-058

Parcel Size: 6.96 Acres

Applicant: Maxey Ford, 2798 E. Grand River

Property Owner: M. Krug Investments, LLC, 2798 E. Grand River

Information Submitted: Application, sign layout

Request: Dimensional Variance

Project Description: Applicant is requesting variances from Table 16.1 to increase the amount of wall sign area allowed from 150' to 169' and to increase the number of wall signs allowed to five (5).

Zoning and Existing Use: GCD (General Commercial District), Automotive Sales

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 1, 2013 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file:

- There are three (3) wall signs existing as depicted on the drawing.
- As the ZBA saw last month, a large addition has been approved on the main building which increase the façade of the building.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

There are applicant is proposing to add additional wall signage to the building that exceeds the requirements of the zoning ordinance. The proposed signs would increase the total allowable wall signage from 150 sq ft to 169 sq ft. The zoning ordinance only allows for one wall sign per business, but there are three located on the building. The applicant is proposing to add two additional wall signs which would result in a total of five wall signs.

Variance Requests

The regulations in the zoning ordinance pertaining to this variance are as follows:

Table 16.1 Sign Dimensional Standards and Regulations

DISTRICT (7)	WALL OR CANOPY SIGN		MONUMENT SIGN		
	MAX. NO. OF SIGNS (1)	MAX SIZE	MAX. NO. OF SIGNS (3)	MAX. SIZE(3,4,5)	MAX. HEIGHT
Agricultural Districts	1	10 sq. ft.	1	10 sq. ft.	6 ft.
Single Family Residential (6)	N/A	N/A	(See Exempt Signs)		
Multiple Family Residential	N/A	N/A	(See Exempt Signs)		
Mobile/Manufactured Home District	N/A	N/A	(See Exempt Signs)		
Neighborhood Service District	1 per business	10% of front facade (2)	1 (4)	72 sq. ft.	6 ft.
General Commercial District Regional Commercial District	1 per business	10% of front facade (2)	1 (4)	72 sq. ft.	6 ft.
Office-Service District	1 per business	10% of front facade (2)	1	72 sq. ft.	6 ft.
Recreational Facilities District	1	10% of front facade (2)	1 (4)	72 sq. ft.	6 ft.
Industrial District	1	10% of front facade (2)	1	60 sq. ft.	6 ft.
Planned Industrial and PUD Districts (7)	1	10% of front facade (2)	1	60 sq. ft.	6 ft.

(2) The maximum wall sign shall not exceed ten percent (10%) of the facade of the building that the sign is attached to and is occupied by the business or one-hundred (100) square feet, per use or business establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner:

- a. Two wall signs may be permitted for businesses located on a corner or through-lot. One sign, meeting the maximum allowable sign area, shall be permitted on each side of the building that fronts along the public right-of-way, including I-96.
- b. At the discretion of the Planning Commission, two wall signs may be permitted for businesses located on an interior lot (non-corner lot) which under certain circumstances, such as obstructed views and building orientation, require additional visibility. The total collective sign area of the two signs may not exceed one-hundred (100) square feet.
- c. **Commercial structures containing one use or business establishment use, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage given in the following table.**

- 1. **201 - 400 linear feet of building frontage facing a public street and having a public entrance = 150 square foot maximum wall sign area.**
- 2. Over 400 linear feet of building frontage facing a public street and having a public entrance = 200 square foot maximum wall sign area.
- 3. The maximum wall sign can be increased by up to twenty percent (20%) if required number or size of landscape materials is exceeded by at least twenty

percent (20%).

The requests are from Table 16.1 and from 16.1.2(a)

Standards for Approval

The following is the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

23.05.03 Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) **Practical Difficulty/Substantial Justice.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

(b) **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

(c) **Public Safety and Welfare.** The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) **Impact on Surrounding Neighborhood.** The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Summary of Findings

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the sign requirements would not unreasonably prevent the use of the property or in this instance the ability to have a wall sign. There have been examples of these cases granted based on many different circumstances. These instances have included the size and orientation of the building and the variety of different uses that a building may entail. Granting this variance may provide substantial justice for the applicant.
- **Extraordinary Circumstances** – The difference between this property and other properties in the surrounding vicinity is the size of the building. This

building is similar to other larger auto dealerships that have obtained sign variances. The difference though is the number of signs that are requested however. The most recent auto dealership to request a sign variance was Champion Buick in April of 2013. They were granted a variance for only one additional sign.

- **Public Safety and Welfare** – The additional signage should have limited impact on public safety and welfare. The signs, while illuminated, are not intended to flash or be unusually distracting to motorists.
- **Impact on Surrounding Neighborhood** – The impact on the surrounding area should be limited.

Staff Findings of Fact

1. There several different services that are offered by Maxey Ford which need advertisement.
2. There are other auto dealers in Genoa Township that have a similar amount of signage.
3. The main building is a large building with significant frontage on Grand River Ave.
4. The additional signage would have limited impact on public safety and welfare. Sign illumination that meets zoning ordinance standards will not be an unreasonable distraction to drivers.
5. The impact on the adjacent properties will be limited.

GENOA TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 13-25 Meeting Date: 9/17/13

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
- Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: JANE & RANDY EVANS
Property Address: 4444 Glen Eagles CT Phone: 810-229-4105
Present Zoning: Residential Tax Code: 11-28-405-096

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: DIMENSIONAL VARIANCE TO extend upper deck out 6 feet without the 4 foot setback.
2. Intended property modifications: Extend outward 6 feet in a uniform manner.

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) _____

- b. Other (explain) Extension of deck without VARIANCE would CAUSE deck to be "L" shaped, UNLIKE ANY other deck in OAK Pointe, Glen Eagle Association.

Variance Application Requires the Following:

- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. Note: Will need 3 copies of any drawings larger than 8 1/2 and 14 in size.
- Waterfront properties must indicate setback from water for adjacent homes
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Property must be staked

Date: 8-22-13
Signature: Randy Evans Jane Evans

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.

300 ft Map for Noticing



Variance Case #13-25

Applicant: Jane and Randy Evans

Parcel: 4711-28-405-096

Meeting Date: 9-17-2013



August 23, 2013



Variance request for 4444 Glen Eagles Court, Brighton, MI

Jane/Randy Evans

A request is made to allow us to extend our upper deck 6 feet outward, without the 4 feet set back as required by ordinance. Our deck is currently 8 feet deep and we have difficulty having a table and chairs on it for everyday use.

1. The Glen Eagles Association of Oak Pointe has already approved the extension. (Please see Association letter)
2. Practical Difficulty/Substantial Justice (23.05.03 a) – granting the variance request would allow the deck to be visually identical to every other upper deck in the Glen Eagles Association of Oak Pointe. Using a setback would cause the deck to be “L” shaped, and no other deck would be similar. The deck extension of 6 feet would not block or obscure the view from anyone else’s deck or condominium. (Please see submitted photographs)
3. Extraordinary Circumstances (23.05.03 b)- the decks as built originally have no setback, and the granting of the variance would make the extension consistent with all upper decks in the Glen Eagles section of Oak Pointe.
4. Public Safety and Welfare (23.05.03 c)-The granting of the variance would not affect light or air to any adjacent property, nor would it affect traffic, endanger public safety/fire hazard, comfort, morals, or welfare of any inhabitants of Genoa Township.
5. Impact on Surrounding Neighborhood (23.05.03 d)-The 6 foot deck extension will not affect continued use, or value of adjacent properties or surrounding neighborhood. With the 6 foot extension, the new deck would still be “behind” the two upper decks common to this property. (Please see submitted photographs)

Attachments: photographs (3), construction plan, Glen Eagle Condo Association letter, letter from Jack Thibeau

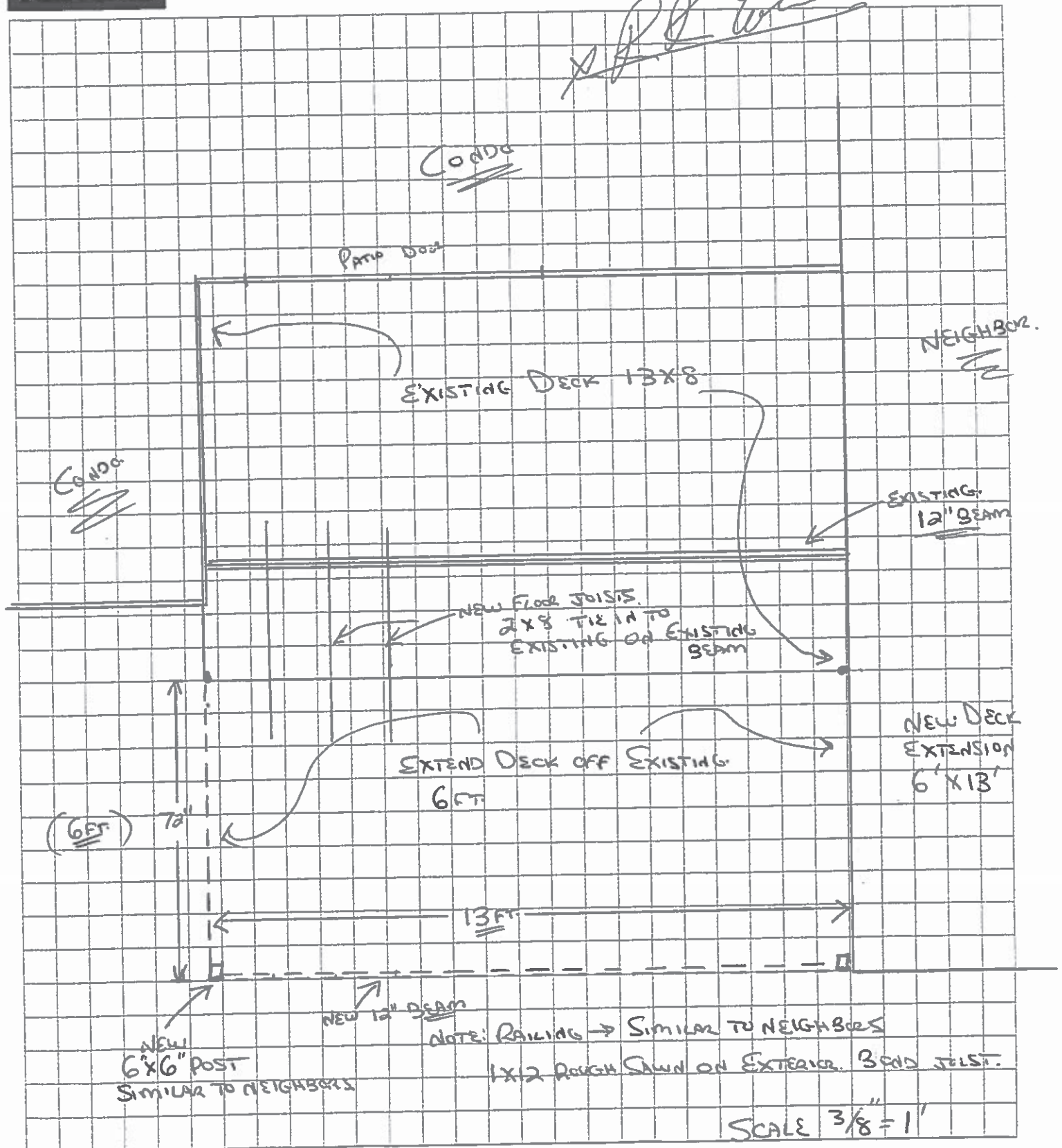


PASUCCI
MARBLE & GRANITE

RANDY & JANE EVANS
4444 GLEN EAGLES CT.
BRIGHTON, MI. 48116

810-229-4105

Randy Evans





Glen Eagles
Condominium Association



Genoa Township Zoning Board of Appeals

Ref: 4444 Glen Eagles Court
Glen Eagles Condominiums

I just wanted to share our thoughts as a representative of the Glen Eagles Board and also the Property Manager for Glen Eagles Condominiums.

We reviewed the request to extend the deck at 4444 Glen Eagles Court and unanimously approved this request. The current deck is virtually un-useable, and we agreed with the owner that it would be a great idea to extend the deck and make it functional. Also some of the reasoning behind approving this request was the fact that the neighboring decks extend from their condo about 12 feet, rendering the 4444 deck to be completely hidden. The deck on 4444 Glen Eagles Court also backs up to a wooded area. With the neighboring decks and the woods, the only people that can see the deck at 4444 are the neighbors. They also supported this change, so there is no obvious reason why we or you shouldn't approve this request.

Because of the reasons stated above, we feel that this will enhance our community and add value to Genoa Township. Therefore we feel that this should be treated as a good application of the variance process, and approved as such.

Dwight Goodin
Glen Eagles Condominium Director and Property Manager

Genoa Township Zoning Board

August 21, 2013

2911 Dorr Road , Brighton, MI 48116

Dear Genoa Zoning Board,

I live at 4442 Glen Eagles Court and I'm the immediate neighbor of Jane & Randy Evans.

I have seen their plans for the deck expansion and I support it. Their request for a variance would allow their deck look like my deck, and everyone else's in the Glen Eagles Association.

Thank you.

A handwritten signature in cursive script that reads "Jack Thibeau".

Jack Thibeau

Charter Township of Genoa
ZONING BOARD OF APPEALS
August 20, 2013
CASE #13-25

PROPERTY LOCATION: 4444 Glen Eagles Ct.

PETITIONER: Jane and Randy Evans

ZONING: MUPUD (Mixed Use Planned Unit Development)

WELL AND SEPTIC INFO: Connected to sewer system, connected to public water

PETITIONERS REQUEST: 4' variance from the required setback of a deck between condominium units

CODE REFERENCE: 11.04.02(b)

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Waterfront
Setbacks for Decks	N/A	4	N/A	N/A	N/A	N/A
Setbacks Requested	N/A	0	N/A	N/A	N/A	N/A
Variance Amount	N/A	4	N/A	N/A	N/A	N/A



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: September 13, 2013
RE: ZBA 13-25

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

STAFF REPORT

File Number: ZBA#13-25

Site Address: 4444 Glen Eagles Ct

Parcel Number: 4711-28-405-096

Parcel Size: N/A Condominium

Applicant: Jane & Randy Evans, 4444 Glen Eagles Ct

Property Owner: Same as Applicant

Information Submitted: Application, site plan, deck layout, pictures

Request: Dimensional Variance

Project Description: Applicant is requesting variances from article 11.04.02(b) to add onto an existing deck.

Zoning and Existing Use: MUPUD (Mixed Use Planned Unit Development), Condo

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 1 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file:

- Condo was built with existing deck in 1996.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The applicant is proposing to extend deck six (6) feet. The project requires a variance because there is a provision in the Zoning Ordinance that requires a four (4) foot separation from the halfway point between condominium units. The existing deck does not meet this standard.

Variance Requests

The regulations in the zoning ordinance pertaining to this variance are as follows:

11.04.02 Decks

(b) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section. Where there are no property (site condominium) lines between the two condominium units, decks shall be setback a minimum of four (4) feet from the halfway point between the two units, provided the decks are separated a minimum of eight (8) feet (combined four (4) foot setback of both decks

Standards for Approval

The following is the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

23.05.03 Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

(b) Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

(c) Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Summary of Findings

In this instance the placement of decks is not discussed in the PUD document for this site condominium. The existing deck is non-conforming as it extends to the other condo unit.

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – The practical difficulty associated with this particular property is the design of the condominium buildings. The cutouts on the building provided for a specific size deck which connected to the wall that separates the two units.
- **Extraordinary Circumstances** – The need for the variance was not self-created by the applicant. The layout of the existing deck and design of the building created the need for the variance.
- **Public Safety and Welfare** – There should be a limited if any impact on public safety or welfare.
- **Impact on Surrounding Neighborhood** – The deck is an uncovered deck which would extend past the building line. The design of the building would make this deck visible to one neighbor, but should have little if any negative impact on the surrounding properties.

Staff Findings

1. The design of the condominium allows the decks to connect to the wall that separates the two units. Complying with the setbacks would create a deck that is architecturally inconsistent with the design of the condominium.
2. The need for the variance is not self-created.
3. The proposed variance would make the property more consistent with other properties in the vicinity.
4. The proposed variance will have limited impact on public safety or welfare.
5. The proposed addition will have little if any negative impact on adjacent properties.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: September 6, 2013
RE: ZBA 13-22, Request for Postponement

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

Robert Clark, the individual who is representing the property owners for ZBA Case# 13-22 for the proposed addition at 4283 Clifford has requested that the ZBA case be tabled until the October meeting. The reason for this request is that Mr. Clark is going to be out of town on September 20th. This action will require a motion from the ZBA to table the case until the October ZBA meeting should the ZBA choose to do so.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Ron Akers

From: Robert Clark <sunroomclark@gmail.com>
Sent: Wednesday, August 28, 2013 12:24 PM
To: Ron Akers
Subject: Re: FW: 4283 Clifford st.

Ron,

As per our conversation. Please let this email act as our request to move our case to the Oct. 16th meeting. I am out of town in Sept. and can not attend the meeting. We are working toward changes in the layout of the room with hopes the board approves the new Addition. I will forward updated prints along with a new survey showing the addition on the home and the decrease of distance needed for this variance.

If you have any questions regarding this matter feel free to call or email.

Best Regards,

Robert Clark
Four Seasons Sunrooms of Ann Arbor
6055 Jackson Road
Ann Arbor, MI 48103
sunroomclark@gmail.com
248-787-6306 cell
734-769-9700 office
734-769-7858 fax



On Mon, Aug 19, 2013 at 5:00 PM, Ron Akers <Ron@genoa.org> wrote:

<http://genoa.org/contentfiledata/download/1494>

From: Ron Akers
Sent: Monday, August 19, 2013 4:52 PM
To: 'Robert Clark'
Subject: RE: 4283 Clifford st.

Mr. Clark,

DRAFT

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 20, 2013
MINUTES**

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members and staff of the Zoning Board of Appeals were as follows: Chris Grajek, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens. Also present were Township staff member Ron Akers. There were 11 persons in the audience.

Moved by Ledford, supported by Figurski to approve the agenda as presented. **Motion carried unanimously.**

13-19...A request by Bob Maxey Ford, Sec. 6, 2798 E. Grand River, for continuation building or structure to continue the existing front building face to the east.

Mike Maxey of Maxey Ford, Tony Dellicolli of CityScape Architects and Thom Dumond of Boss Engineering were present for the petitioner. Mr. Dumond gave a brief presentation of the purposed improvements and variances requested. Mr. Dellicolli provided renderings to the Board members to show the proposed improvements. The Board members were concerned about the flow of traffic coming out of the service center.

A call to the public was made with no response.

Moved by Figurski, supported by McCreary to approve case #13-19, for SRM Associates LLC, 2798 E. Grand River, for a front yard setback variance of 5' and parking lot variance of 7' on the rear property line based on the following finding of facts:

1. Strict compliance with the front yard setback requirement would limit the ability of the property owner to construct an addition which maintains a consistent front building line with the existing main building;
2. The area within the rear lot line parking lot setback is already developed as a parking area and the proposed 6' masonry screening wall will adequately mitigate the impact the proposed changes to the site plan will have on the adjacent residential properties;
3. The need for the variance is not self-created;
4. According to the Planner's Report, the proposed variance will not impair public safety or welfare;
5. There will be little if any impact on the surrounding neighborhood. The front yard variance will provide for a consistent appearance on the Grand River corridor and the proposed 6'

masonry screening wall will mitigate the impacts of the extended parking lot. **Motion carried unanimously.**

13-20...A request by Zion Restoration US, Sec. 23, 6518 Catalpa, for a 14 foot side yard variance to construct an addition.

Glen Vilcil of Zion Restoration and Mr. Swint was present for the petitioner. Mr. Vilcil gave a brief overview in regards of the neighborhood lots and of the addition which is 10 x 18 in size that the homeowner would like to construct.

A call to the public was made with Chairman Dhaenens stating that an email was received in support of the variance.

Moved by Ledford, supported by Figurski, to approve case # 13-30 for Zion Restoration, 6518 Catalpa, for a 14 foot side yard variance due to the addition having little impact on the adjacent properties. The addition will be the same distance from the side property line as the attached garage.

The hardship is the property is zoned LDR (Low Density Residential) and was created under less strict zoning requirements. The lot size and building were made non-conforming by the current zoning requirements. The pie shaped lot has limitations. The variance is not self-created. Conditioned upon the home and garage being guttered. **Motion carried unanimously.**

13-21...A request by Thomas A. and Donna Jean Phelps, 4470 Clifford Road, for a 2 foot sideyard setback variance to construct a deck and variance to extend that deck 3 feet further from the rear building line than the 15 foot maximum allows.

Thomas and Donna Phelps were present for the petitioner. Mr. Phelps gave a history and overview of the property and the variances requested.

A call to the public was made with Chairman Dhaenens stated that an email from Terry Campo and Cynthia Giddings were received in support of the variance.

Moved by McCreary, supported by Figurski, to approve case# 13-21, Thomas and Donna Phelps, 4470 Clifford, for a 2 foot side yard variance and a 3 foot variance from the rear distance line.

The Finding of Fact is the side yard variance will comply with the current building and is not self-created. The proposed deck will reduce the non-conformity of the deck. **Motion carried unanimously.**

13-22..A request by Dr. Cyr and Patricia Crane, 4283 Clifford Road, for a 10 foot shoreline set back variance to construct an addition to the existing home.

Robert Clark, Four Seasons of Ann Arbor and Dr. Cyr Crane were present for the petitioner. Mr. Clark provided an explanation of the variance request and supplied the Board with 2 letters received from Steve Bassett, 4295 Clifford and Debra Bradley, 4271 Clifford in support of the variance.

Grajek gave an explanation of what the Board uses for making decisions on variances. The Board stated that they are struggling to find a practical difficulty and would not want to set a precedent.

A call to the public was made with no response.

Moved by Grajek, supported by Ledford, to table case #13-22 for Dr. Cry and Patricia Crane, 4283 Clifford until the next Zoning Board of Appeals meeting. **Motion carried as follows: Ayes: McCreary, Grajek, Ledford and Dhaenens. Nays: Figurski.**

Moved by Figurski, supported by McCreary, to approve the July 19, 2013 Zoning Board of Appeals minutes with corrections. **Motion carried unanimously.**

Member discussion: Mr. Akers presented the Zoning Board of Appeals with the Michigan Planners Conference information if any board members are interested. Mr. Grajek would like to have some changes made to the review letters.

Moved by Figurski, supported by McCreary to adjourn the August 20th, 2013 Zoning Board of Appeals meeting at 7:58 p.m. **Motion carried unanimously.**



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 9/13/2013
RE: Addition of Conflict of Interest to the Agenda

I will come prepared to discuss this item at the meeting. In the meantime please review the Planning Commission bylaws section regarding conflict of interest.

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION BYLAWS**

Effective immediately as adopted November 9, 2009

ARTICLE 1: AUTHORITY

These rules of procedure are adopted by the Genoa Charter Township Planning Commission (hereinafter referred to as the “Commission”), pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et. seq.) to facilitate the duties of the Commission for administration of the Zoning Ordinance as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.).

The rules of procedure adopted herein include matters unique to Genoa Charter Township as well as excerpts from the state statutes. The complete general rules and other matters covered by state statute are attached in Exhibit A.

ARTICLE 2: PURPOSE

The general purpose of the Genoa Charter Township Planning Commission shall be to guide and promote the efficient, coordinated development of the Township in a manner which will best promote the health, safety, and general welfare of its people, preserve and protect the Township, and to address the goals and recommendations of the Master Plan.

ARTICLE 3: DUTIES OF THE COMMISSION

In general, the Commission shall perform all acts required by law of a Planning Commission. More specifically, the Commission shall perform the following duties:

- (1) Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent amendments thereto, to the Township Board of Trustees.
- (2) Adopt a Master Plan, review the Plan regularly, and make necessary updates as required.
- (3) Prepare an Annual Report to the Township Board of Trustees.
- (4) Review and take action or recommend appropriate actions to the Township Board on site plan, special land use, and planned unit development requests.
- (5) Review Subdivision proposals and recommend appropriate actions to the Board of Trustees.
- (6) Prepare special studies and plans, as deemed necessary by the Commission or Board and for which appropriations of funds have been approved by the Township Board, as needed.
- (7) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of the Commissioner, and for which appropriations of funds have been approved by the Township Board, as needed.

- (8) Perform other duties and responsibilities as may be requested by the Board of Trustees.
- (9) Members of the Commission may conduct such site visits as deemed necessary to evaluate the applicaton and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the Commission, obeying all requirements of the Open Meetings Act.

ARTICLE 4: MEMBERSHIP

Section 4.1 Membership Requirements. Membership of the Commission shall consist of 7 members appointed by Township Board of Trustees. Members of the Commission shall be residents of the Township.

Section 4.2 Terms. Each member, except the Board of Trustees representative, shall be appointed to hold office for a three (3) year term. Vacant positions shall be filled by the Board of Trustees for the unexpired term. The Board representative will serve at the discretion of the Board of Trustees.

ARTICLE 5: OFFICERS

Section 5.1 Officers. The officers of the Commission are elected members of the Commission and shall consist of the chairperson, vice-chairperson, and secretary. The Board representative may not serve as an officer.

Section 5.2 Duties of the Chairperson. The chair shall preside at all meetings, appoint committees; and perform such duties as may be delegated by the Commission or Board of Trustees. The Commission chairperson shall have the right to appoint new committee members at any time to fill a vacancy.

Section 5.3 Duties of the Vice-Chairperson. The vice-chairperson shall act in the capacity of the chairperson in his/her absence.

Section 5.4 Duties of the Secretary. The secretary shall serve as the liaison between the Commssion and the Planning Director who is responsible for the execution of documents in the name of the Commission, performing the duties hereinafter listed below, and performing such duties as the Commission may determine.

- (1) Minutes. The Planning Director shall be responsible for the permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records.
- (2) Correspondence. The Planning Director shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the Planning Director shall be brought to the attention of the Commission.
- (3) Attendance. The Planning Director shall be responsible for maintaining an attendance record for each Commission member.

- (4) Notices/Agendas. The Planning Director shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

Section 5.5 Duties of the Board of Trustees Representative. The Board of Trustees representative to the Commission shall report the actions of the Commission to the Board and update the Commission on actions by the Board that relate to the function and duties of the Commission.

Section 5.6 Duties of the Zoning Board of Appeals Representative. The Zoning Board of Appeals (ZBA) representative to the Commission shall report the actions of the Commission to the ZBA and update the Commission on actions by the ZBA that relate to the functions and duties of the Commission.

Section 5.7 Elections.

- (1) At the first regular meeting of each calendar year, the Commission shall select from its membership a chairperson, vice-chairperson, and secretary who shall serve for a twelve month period and who shall be eligible for re-election.
- (2) A candidate receiving a majority vote of the membership present shall be declared elected.
- (3) Newly elected officers will assume their office immediately after the election.

Section 5.8 Vacancies. Vacancies in offices shall be filled immediately by regular election procedure.

ARTICLE 6: MEETINGS

Section 6.1 Regular Meetings. Regular meetings of the Commission shall be held the second Monday of every month. The dates and times shall be posted at the Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

Section 6.2 Meeting Notices. All meetings shall be posted at the Township Hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

Section 6.3 Special Meetings. A special meeting may be called by two members of the Commission upon written request to the secretary or by the chairperson. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

Section 6.4 Open Meetings. All meetings of the Commission shall be opened to the public and held in a place available to the general public. All deliberations and decisions of the Commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Commission under the rules established in Section 6.11, and to address the Commission concerning non-hearing matters under the public comment portion of the agenda, as established in Section 6.9 to the extent that they are applicable. A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

Section 6.5 Public Record. All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 6.6 Minutes. Commission minutes shall be prepared by the recording secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of attendance.

Section 6.7 Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

Section 6.8 Voting. An affirmative vote of the Commission members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the chairperson. All Commission members shall vote on every motion placed on the floor unless there is conflict of interest, as established in ARTICLE 7. Any member abstaining from a vote shall indicate their intention to abstain prior to any discussion on that item and shall not participate in the discussion of that item.

Section 6.9 Agenda. A written agenda for all regular meetings shall be prepared as followed. The required agenda items for all regular meetings shall be:

- (1) Call to order
- (2) Pledge of Allegiance
- (3) Worksession (if requested)
- (4) Approval of Agenda
- (5) Public comments and communications concerning items not on the Agenda
- (6) Scheduled public hearings
- (7) Administrative Business

- (8) Approval of Minutes
- (9) Adjournment

Section 6.10 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order”.

Section 6.11 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in ARTICLE 1. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the established hearing procedures as follows.

- (1) Announce Subject. The chairperson announces each agenda item and describes the subject to be considered.
- (2) Present Proposal. The applicant provides a presentation of the proposal followed by a staff/consultant review. Reports prepared by staff or other officials shall be considered along with any presentations made. The Commission may ask questions of the applicant, staff, or consultants during this time.
- (3) Open Public Hearing. The chairperson summarizes the hearing rules and then opens the hearing to the floor.
- (4) Close Public Hearing. The chairperson should give ample opportunity for comment, including a “last call” for comments. The chairperson will then close the hearing.
- (5) Deliberation. Any action of the Planning Commission must be supported by reasonable findings, which will become part of the record through minutes, resolutions, staff reports, etc. All motions shall summarize these findings, or provide reasons for the suggested action. If a matter is tabled to a specific meeting date, it is not necessary to re-advertise the hearing.
- (6) Action. After deliberation, the Planning Commission may take any of the following actions:
 - Recommend approval or approve the proposal.
 - Recommend approval or approve the proposal with conditions.
 - Recommend denial or deny the proposal.
 - Table the proposal to a later date, in order to gather additional information or to prepare Findings of Fact, or if there are unresolved issues, or at the request of a petitioner.

ARTICLE 7: CONFLICT OF INTEREST

Section 7.1 Declaration of Conflict. The Commission shall make a determination regarding the presence of a conflict of interest. Commission members shall declare a conflict of interest prior to any discussion on an item, when any one (1) or more of the following occur:

- (1) A relative or other family member is involved in any request for which the Commission is asked to make a decision.
- (2) The Commission member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- (3) The Commission member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance.
- (4) There is a reasonable appearance of a conflict of interest, as determined by the Commission member declaring such conflict.

Section 7.2 Requirements. Prior to discussion on a request, the Commission member shall do all of the following to declare a conflict:

- (1) Announce a conflict of interest and state its general nature.
- (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- (3) Absent himself/herself from the room in which the discussion and voting take place.

ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS

Section 8.1 Absences. Members of the Commission shall notify the Planning Director at least twenty-four (24) hours in advance when they intend to be absent from the meeting.

Section 8.2 Removal. Members of the Commission may be removed by the Board of Trustees for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest upon vote by the majority, after written charges have been prepared and a hearing conducted.

Section 8.3 Resignation. A member may resign from the Commission by sending a letter of resignation to the Board of Trustees or Township Supervisor.

ARTICLE 9: AMENDMENTS

These rules may be amended by the Commission by a concurring vote pursuant to subsection 6.8, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.