

**CHARTER TOWNSHIP OF GARFIELD**  
**VIRTUAL ZONING BOARD OF APPEALS MEETING**

Wednesday, February 17, 2021 @ 6:00 p.m.  
Garfield Township Hall  
3848 Veterans Drive  
Traverse City, MI 49684

The Wednesday, February 17, 2021 Zoning Board of Appeals meeting at 6:00 pm will be held virtually due to the revised MDHHS Michigan Emergency Order and the Open Meetings Act amendment extending remote attendance provision to March 31, 2021. To provide input on any business that will come before the Zoning Board of Appeals or to contact the Board member(s), please send an email to the Township Zoning Administrator, Mike Green, at [mgreen@garfield-twp.com](mailto:mgreen@garfield-twp.com).

You are invited to a Zoom webinar on Feb 17, 2021 06:00 PM Eastern Time (US and Canada)  
Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84012449544>

Or iPhone one-tap :

US: +13126266799# or +84012449544#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 840 1244 9544

International numbers available: <https://us02web.zoom.us/j/84012449544>

**A G E N D A**

1. Call meeting to order
2. Roll call of Board Members
3. Review and approval of the Agenda and declaration of a Conflict of Interest
4. Election of Officers
5. Minutes – January 15, 2020
6. Public Hearings *[none scheduled]*
7. Other Business
  - a. Approve 2021 Meeting Schedule
  - b. Consider revisions to ZBA Bylaws
8. Items for next agenda
9. Public Comment
10. Adjournment

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with Disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

Charter Township of Garfield  
Zoning Board of Appeals Meeting

Wednesday, January 15, 2020 @ 6:00pm  
Garfield Township Hall  
3848 Veterans Drive  
Traverse City, MI 49684

Vice-Chair Kent Rozycki called the meeting to order at 6:02 pm.

**Board Members Present:** Lynn Fricke, Kent Rozycki, and Steve Duell

**Excused:** Rick Smith and Scott Swan

**Staff Present:** Zoning Administrator Michael Green

**1. Review and approval of the agenda and declaration of a Conflict of Interest**

*Duell stated that he will be voting on the approval of the minutes even though he recused himself as a member at the October 16, 2019 meeting.*

*Duell moved and Fricke seconded to approve the agenda as presented.*

*Yeas: Fricke, Rozycki, Duell*

*Nays: None*

**2. Election of Officers**

*Duell moved and Rozycki seconded the motion to reappoint Smith as Chair, Rozycki as Vice-Chair, and appoint Fricke as Secretary.*

*Yeas: Fricke, Rozycki, Duell*

*Nays: None*

**3. Minutes – October 16, 2019**

*Fricke moved and Duell seconded the motion to approve the minutes of October 16, 2019 as presented.*

*Yeas: Fricke, Rozycki, Duell*

*Nays: None*

**4. Public Hearings**

*None*

**5. Other Business**

**a. Review Draft of Bylaws**

*Green provided a revised draft version of the current Bylaws that were last adopted under the 1974 Zoning Ordinance. Green stated that the revision*

*was necessary to reference the current (2015) Zoning Ordinance. Fricke moved and Duell seconded the motion to approve the Bylaws as presented.*

*Yeas: Fricke, Rozycki, Duell*

*Nays: None*

**6. Items for next agenda**

*None*

**7. Public Comment**

*None*

**8. Adjournment**

*Duell moved and Fricke seconded the motion to adjourn the meeting at 6:07.*

---

Lynn Fricke, Secretary



# Charter Township of Garfield

## Grand Traverse County

3848 VETERANS DRIVE

TRAVERSE CITY, MICHIGAN 49684 PH: (231) 941-1620 • FAX: (231) 941-1588

CHUCK KORN  
SUPERVISOR

LANIE MCMANUS  
CLERK

JEANE BLOOD LAW'  
TREASURER

MOLLY AGOSTINELLI, TRUSTEE  
STEVE DUELL, TRUSTEE

CHRIS BARSHEFF, TRUSTEE  
DENISE SCHMUCKAL, TRUSTEE

## 2021 Zoning Board of Appeals Meeting Dates

---

The Zoning Board of Appeals meets on an “as needed” basis. If necessary, the regular meeting dates of the Garfield Township Zoning Board of Appeals are scheduled the third Wednesday of each month, beginning at 6:00 pm. in the Large Meeting Room of the Township Offices located at 3848 Veterans Drive, Traverse City, Michigan.

January 20, 2021  
February 17, 2021  
March 17, 2021  
April 21, 2021  
May 19, 2021  
June 16, 2021  
July 21, 2021  
August 18, 2021  
September 15, 2021  
October 20, 2021  
November 17, 2021  
December 15, 2021

Garfield Township will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Clerk, Lanie McManus in writing or calling, (231) 941-1620 or TDD #922-4766.



# Charter Township of Garfield

## Grand Traverse County

3848 VETERANS DRIVE  
TRAVERSE CITY, MICHIGAN 49684  
PH: (231) 941-1620 • FAX: (231) 941-1588

7b.

To: Garfield Township Zoning Board of Appeals

From: Michael Green, Zoning Administrator

Re: Zoning Text Amendment Process for Increasing ZBA Membership

Date: Wednesday, February 10, 2021

It was recently brought to my attention that the current Zoning Board of Appeals Bylaws do not address “Ex Parte” contact, which means contact outside of a public meeting. Ex Parte contact with applicants or other ZBA members regarding items on a meeting agenda is strongly discouraged and should be avoided. For this reason, I have borrowed language from the Garfield Township Planning Commission Bylaws and inserted it into our current Bylaws for your consideration. Should this Board finds the proposed changes acceptable, a motion should be made to revise the Bylaws by accepting the draft language found in Section 3.C pertaining to Ex Parte contact.

Please feel free to contact me if you have any questions. I can be reached at 231-941-1620 Extension 230 or at [mgreen@garfield-twp.com](mailto:mgreen@garfield-twp.com).

Attachment: Proposed ZBA Bylaws (recommended additions shown in **red italicized** text)

# Charter Township of Garfield

## Grand Traverse County

### Bylaws of the Zoning Board of Appeals

The following rules of procedure are hereby adopted by the Garfield Charter Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended and Article 4 of the Garfield Charter Township Zoning Ordinance, as amended.

#### SECTION 1: OFFICERS

- A. Selection and Tenure** - At the first meeting in each fiscal year, the Zoning Board of Appeals shall select from its membership a chairperson, vice chairperson, and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson** - The chairperson shall preside at all meetings, appoint committees, and perform such other duties as ordered by the Zoning Board of Appeals or Township Board. An alternate member shall not serve as chairperson.
- C. Vice Chairperson** - The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary** - The secretary shall execute documents in the name of the Zoning Board of Appeals and shall perform such other duties as the Zoning Board of Appeals may determine.
  - 1. **Minutes** - The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions, or recommendations made on any action and record of attendance.
  - 2. **Correspondence** - The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Zoning Board of Appeals. All communications, petitions, reports, or other written materials received by the secretary shall be brought to the attention of the Zoning Board of Appeals.
  - 3. **Attendance** - The secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals.

- 4. **Notices** - The secretary shall assist Township staff in the issuance such notices as may be required by the Zoning Board of Appeals.

**SECTION 2: MEETINGS**

The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Zoning Board of Appeals may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings** - The Zoning Board of Appeals may schedule regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Zoning Board of Appeals shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Zoning Board of Appeals meetings shall be posted at the Township office within 10 days after the Zoning Board of Appeals' first meeting in each fiscal year in accordance with the Open Meetings Act.

- B. Special Meetings** - Special meetings may be called by the Chairperson, the Township Supervisor or upon written request to the secretary by the least two other members of the Zoning Board of Appeals.

Notice of special meetings shall be given to the members of the Zoning Board of Appeals at least 48 hours prior to the meeting. Such notice shall state the purpose, time, and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice** - Notice required for specific requests or actions will be given in accordance with the Michigan Zoning Enabling Act or other applicable statute.

- D. Public Hearings** - All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals.

- E. Agenda** - The chairperson shall be responsible for preparing an agenda for Zoning Board of Appeals meetings. The agenda may be modified by action of the Zoning Board of Appeals.

- F. Quorum** - A majority of the members of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the members is present.

- G. Voting** - The following procedures shall be followed when taking action on any request

- 1. Before taking action, the voting members of the Zoning Board of Appeals shall discuss each decision standard set forth in Article 4 of the Zoning Ordinance and any relevant past precedent. Each of the standards governing variance decisions presented in Article 4 of the Zoning Ordinance shall be considered independently and a consensus reached among the voting members as to how the case meets or fails to meet each standards. Such discussion shall be fully and accurately represented within the minutes.

2. A motion to approve or deny shall be based on detailed findings of facts and shall be made by one, and seconded by another voting member.
3. To approve or deny any dimensional variance, appeal or to rule on any other matter provided by the Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any voting member of the Zoning Board of Appeals or directed by the chairperson.
4. All Zoning Board of Appeals members shall vote on all matters, except members with a conflict of interest.
5. If a decision on a particular matter is postponed until a later meeting, only members present to hear the discussion on said matter at previous meetings shall be permitted to vote on said request.
6. In the event fewer than five members of the Board attend any meeting, the Chairperson shall advise all appellants that a majority of the total membership is required for the Board to act and, at the appellant’s discretion, consideration of a matter may be postponed until the full Board is in attendance. If the applicant requests such postponement, any matter shall be tabled until the next meeting without consideration.

**H. Public Records** - All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

**SECTION 3: DUTIES OF THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for dimensional variances, appeals, interpretations, or other matters as authorized or required by Article 4 of the Garfield Township Charter Zoning Ordinance and the Michigan Zoning Enabling Act.
- B. Conduct site visits as deemed necessary to evaluate an application and supporting material.
- C. *Members shall avoid Ex Parte contact with a land use applicant and members of the public about cases where an administrative decision is pending before the Zoning Board of Appeals whenever possible. “Ex Parte contact” means contact outside of a regular public meeting. Despite one’s best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report it to the Zoning Board of Appeals at a public meeting or hearing so that every member and other interested parties are made aware of what was said.*

**SECTION 4: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES, AND ALTERNATES**

- A. To be excused, Zoning Board of Appeals members shall notify the Township Supervisor, Zoning Board of Appeals Chairperson, Township Clerk, or Zoning Administrator when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence. In the event a member has three consecutive unexcused absences in a calendar



year, that member shall be subject to removal from the commission by the Supervisor or Township Board.

- B.** Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C.** A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Board.
- D.** A successor shall be appointed as soon as practical after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with the term as Planning Commissioner.

**SECTION 5: CONFLICT OF INTEREST**

- A.** Before casting a vote on a matter on which a Zoning Board of Appeals member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Zoning Board of Appeals. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B.** Conflict of interest is defined as, and a Zoning Board of Appeals member shall declare a conflict of interest and abstain from participating in Zoning Board of Appeals deliberations and voting on a request, when:
  - 1. An immediate family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision. “Immediate family member” is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child, or other individual residing within the same dwelling a single housekeeping unit.
  - 2. The member has a business or direct financial interest in the property involved in the request or has a business or direct financial interest in the applicant’s company, agency, or association.
  - 3. The member owns or has a direct financial interest in neighboring property.
  - 4. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
  - 5. In case of appeals of decisions of the Planning Commission, the member that is also a member of the Planning Commission and voted on the matter under appeal as a member of the Planning Commission. However, such member may consider and vote on other unrelated matters involving the same property.
- C.** The Zoning Board of Appeals member declaring a conflict of interest should state the nature of the actual or potential conflict and whether he or she believes he or she could impartially consider the request before the Zoning Board of Appeals. Such member or the Chairperson shall determine if the member shall abstain from any discussion or votes relative to the matter that is the subject of

the conflict. The member with the conflict shall leave the Board table and refrain from all participation in the consideration of the matter before the Board. Such member should not make any presentations to the Zoning Board of Appeals with regard to the matter before the Board.

**SECTION 6: AMENDMENTS**

These bylaws may be amended at any meeting by a vote of a majority of the membership of the Zoning Board of Appeals.

ADOPTED by the Garfield Township Zoning Board of Appeals at a regularly scheduled meeting held on

\_\_\_\_\_.

AYES:

NAYS:

ABSENT:

