

BLAIR TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – APRIL 13, 2005

The regular meeting of the Blair Township Zoning Board of Appeals was called to order by Vice-Chairman George Lombard at 7:00 pm at the Township Hall. Sanford, Weathers, McGee, Fleis, Bogucki, Lombard present, Wolf excused; 3 guests, the zoning administrator, township supervisor, and township clerk were also present. The pledge of allegiance was recited.

APPROVAL OF AGENDA: Weathers/McGee moved to approve agenda

6 ayes – 0 nays motion carried

DECLARATION OF CONFLICT OF INTEREST: none stated

MINUTES- JANUARY 12, 2005 MEETING: Weathers/Sanford moved to approve minutes as presented

6 ayes – 0 nays motion carried

NEW BUSINESS:

1.) Case #05-01 Variance requested by owner Anthony Provenzola to construct a residential accessory building in a C-2 Commercial District. Property located at 3242 M-37 S. parcel #28-02-020-011-00.

Mr. Provenzola stated that when he purchased the property there was an existing garage footing and foundation and he would like to put up a 24' x 46' pole barn with two 16' doors . This building would be rented out as a garage/storage building but there would be no business operated out of said building.

The zoning administrator stated that this has been labeled as preferred class of non-conforming use according to section 23.09 of the Zoning Ordinance. A commercial permit would be issued , however the owner would like to keep it residential, therefore he is requesting a variance. According to section 23.09 there are four standards to which a variance can be granted (item #1: a,b,c or d).

Board member Bugocki asked if there was a difference between a residential garage and a commercial garage, the zoning administrator stated that engineered plans were required with a commercial garage, as opposed to standard plans from a construction warehouse for a residential garage. Zoning administrator also stated that if the building changed from residential use to commercial use, that would have to go through a “change of use” with the construction code office and at that time the engineering would take place.

Board member Sanford inquired as to whether the foundation would need to be inspected, the zoning administrator stated that it has been inspected by the Grand Traverse Construction Code office, and that there is currently a building permit, but Mr. Provenzola will need to re-apply and see if code changes have been made.

Board member Sanford asked what the difference between a garage and an accessory building is. Zoning administrator replied that a detached garage is an accessory building , if it is attached, it is a primary building.

Motion by Fleis/Sanford to approve variance request case #05-01

Discussion was held regarding residential use in a commercial district, and the zoning administrator referred to item #2 of section 23.09.

Vote Roll Call:	Weathers – aye	Section 23.09 item #1a,b and c
	McGee - aye	Section 23.09 item #1a,b,c, and d
	Bugocki - nay	
	Sanford - aye	Section 23.09 item #1a,b,c, and d
	Fleis - aye	Section 23.09 item #1a,b,c, and d
	Lombard - aye	Section 23.09 item #1a,b,c, and d

5 ayes – 1 nay motion carried

- 2.) Case #05-02 Variance requested by owners Michael and Karla Smith for a commercial use in a residential district; to operate a canvas cover repair and manufacturing facility . Property located at 1180 W. Silver Lake Road S. parcel #28-02-007-017-00.

Neither Michael or Karla Smith were present at the meeting, therefore the Zoning Administrator advised Vice-Chairman Lombard of the Zoning Board of Appeals' standing resolution regarding the presence of the applicant at the meeting. If applicant is not present, the case will be tabled until the next regular meeting of the board. Mr. Weathers concurred.

Motion by Weathers/McGee to table case #05-02

6 ayes – 0 nays motion carried

Board member Sanford inquired if the applicants had been informed of meeting. Zoning Administrator replied they had, as well as anyone within 300 feet of the property.

ANY OTHER BUSINESS:

1.) Vice-Chairman Lombard brought up the need to have a special meeting before the next regular meeting of the Zoning Board of Appeals. He then turned it over to the Zoning Administrator to explain what the meeting would be about.

Zoning Administrator explained that the application by “Fantasies” to open an adult oriented business had been denied. According to **Sexually Oriented Business Ordinance 115**, owner has the right to appeal the determination to the Zoning Board of Appeals, to be heard within 30 days of submittal of appeal, which would indicate the board would have to meet no later than May 8, 2005.

It was decided that the special meeting would be held Wednesday, May 4 at 7:00 pm at the Township Hall.

The Zoning Administrator also reminded that board that this was a public meeting, not a public hearing, and explained the difference between the two.

Public Meeting – Public comment is allowed but not required.

Public Hearing – Public comment is required.

Zoning Administrator also explained that in this case, it would take a majority of the board membership to overturn the decision of the Zoning Administrator to deny a permit to “Fantasies”. Not the majority of those members present, but a majority of the entire board.

Board member Fleis brought up the possibility of moving public comment (item I on the agenda) to item G. Stated he did not see the value of the public commenting on an issue after the decision has already been made. Feels that on an issue like the one on May 4, the public may be very disillusioned if they are not able to comment until after the board has made their decision. Board member Weathers agreed. Board member Fleis also suggested some criteria for public comment, such as a limit of 15 minutes for a representative of a group to speak, or 3 minutes for an individual. Vice-Chair Lombard feels that public comment should be heard with each case.

Zoning Administrator brought up the fact that the Zoning Board of Appeals is charged with making their decision based on the Zoning Ordinance, not based on public comment. Public comment is a courtesy that the board owes the public, however decisions need to be based on the written word of the Zoning Ordinance.

Board member Sanford feels that making any changes to the agenda for this meeting may be viewed by some as trying to influence the board. Board member Fleis feels that the board has always allowed public input before a decision was made and that it has not influenced any decisions made by the board.

Board member Sanford suggested possibly moving public input by those that may be affected (those with property within 300 feet of property being discussed) to item G, and all other public input stay in item I.

Board member Weathers suggested the supervisor check with the township attorney before changing anything for the May 4 meeting.

Motion by Weathers/McGee to move public input from item I to item G on the Agenda.

Board member Sanford asked that a limit of 3 minutes per person, or 15 minutes per group representative for public input be added to the motion. Board member Weathers agreed.

5 ayes – 1 nay motion carried

3.) The township supervisor stated that the board members will receive a letter of Declaration of Conflict/Bias that needs to be signed by each board member and returned to the township supervisor by April 15, 2005.

Motion by Lombard/Weathers to adjourn at 8:03 pm.

Respectfully submitted,

Lynette Ferman
Recording Secretary

PUBLIC INPUT:

3 neighbors of the Smith's (case #05-02) were in attendance at the meeting. One neighbor spoke on behalf of himself and his wife in favor of the Smith's being granted the variance they requested. One neighbor spoke against the request.