

LELAND TOWNSHIP ZONING BOARD OF APPEALS
P.O. Box 238, Lake Leelanau, MI 49653

Susan Och – Township Board Rep.
Nancy Smith

Kathy Dawkins, Chairperson

Lee Cory – Planning Commission Rep.
Brooks Bunbury

ZBA MEETING AND PUBLIC HEARINGS

Wednesday, November 13, 2024 - 2:00 p.m.

Leland Township Office meeting room - 489 W Main Street – Lake Leelanau, MI

DRAFT MEETING MINUTES

Call to Order/Pledge of Allegiance – Meeting called to order at 2:04

Attendees: Susan Och, Kathy Dawkins, Nancy Smith, Lee Cory, Brooks Bunbury
Tim Cypher Zoning Administrator, Andria Bufka Recording Secretary

Public attendees: None

Approval of Agenda – Dawkins requested a change, the ZBA agreed to add a 2nd bullet under Bylaw review discussion. Cypher provides information about how this has been done in the past. Smith moves to approve agenda as amended, Bunbury seconds, all in attendance vote aye and the motion to approve the agenda is approved as amended.

Approval of the previous Meeting Minutes – October 30, 2024

The previous Meeting Minutes had to be corrected to change the term PC to ZBA.

Och moves to approve minutes as amended, Bunbury seconds, all in attendance vote aye and the minutes are approved as amended.

Declaration of Conflict of Interest – None

Public Comment (limited to three minutes per person unless extended by ZBA Chair) - NA

New Business –

1. Site Visits – Dawkins asks Cypher to explain the purpose of site visits. He states that it is to get all members familiar with the process, it's been in the bylaws. You can't have a quorum at a site visit or it requires a public notice. They notify the owner that a ZBA member might stop by, but they don't encourage any discussion. The purpose is to feel comfortable and see it in person. Bunbury - the last ZBA meeting would have been helpful to have seen the properties. Dawkins points out that site visits are on page 5 of the bylaws as "shall". Cory thinks it's a burden on the property owner if people visit separately. Cypher reports that there has never been an issue with the owners in the past. Cory doesn't like the idea of people being able to show up willy nilly at homes to review variance requests. Bunbury suggests that they establish specific dates and times when members might show up. Och reminds everyone about Ring doorbells and even if people aren't home they might see someone and call the sheriff.

Dawkins asks Cypher if it's in the ordinance. Cypher reminds that may vs shall can get them in trouble and, if they change it to may, and an applicant doesn't get the approval they want they can say that the member didn't view the property so how can they know and vote. Cypher clarifies that he informs applicants that a ZBA member will come to review the property. Dawkins would like Cypher to add to his procedure and inform applicants, in writing, about on site visits. Dawkins would like to add "his, her or their" to the bylaws language in place of his or hers and explains her reasons why. She asks if they can change the bylaws, Tim clarifies that the attorney would need to review it, and then the board would approve it. The ZBA discusses and agrees that it would be good to let the Board review the language change before the attorney does.

2. Bylaw review – reviewing Adopted 8/12/2009 amended 9/26/2011, attorney suggestions from 2018 (he is no longer the attorney)

Dawkins wants to table this discussion to the next meeting so that everyone has a chance to review the amended version of the bylaws that was just provided to them. Cory moves to table, Bunbury seconds, all vote aye and the motion is approved. Cory has a foundational question about the ZBA in general. Asks why we review their answers. Cypher – we are a legislative body. Zoning laws separate it. Cory wonders why a variance is reviewed by the ZBA, Smith explains that it's a difference from the ordinance and that's why the ZBA reviews it. Cypher suggests that he mails the Michigan Zoning Enabling Acts to the ZBA members. It was last redone in 2008, and there have been amendments since then.

- a. Policy & Procedures (300' letters, public notices, other)
This is tabled until next meeting
- b. Discuss patterns with ordinances – if the ZBA sees similar appeals they should notify the PC
This is tabled until next meeting

3. Training

Dawkins talks about the organization Michigan Township Association, who have training materials that are available about planning and zoning. They also offer in person training. Bunbury wants to know if there's online training. Dawkins says there is, the Clerk needs to set him up to access the MTA training. Smith notes that the Planning and Zoning Essentials document looks like the right document for all to have. Cypher reminds everyone that MTA is not our legal counsel. MTA recommends that they still check with their legal counsel. Dawkins thinks they should go to Gaylord for in person training. Smith prefers just getting the training materials. Cory talks about continued online legal training and how there's give and take. Och states that sometimes the county will do training. Dawkins thinks training is important, knowledge is power. She does not want to ask the board for anything outside of ZBA training.

4. Meeting location(s) – Dawkins doesn't want to meet in the township office and wants to meet in the Munecke room instead. Cypher reminds that there is also the Old Art Building as an option. Dawkins wants the meetings for public hearings to be in the following order:

Munecke
Old Art
Township office

Smith brings up that we pay for the township building and it's a shame not to use it. Dawkins thinks it's too tight if there are visitors. Cory likes the township office because of the amenities

– printing, bathrooms, documents, etc.

Other Business (if any) – Next meeting – elect officers in January. ZBA agrees to meet in January around the timing of the 8th. They hope to have a meeting on the 8th after 10 am. Staff to check on Munecke room availability.

Public Comment (limited to three minutes per person unless extended by ZBA Chair) - None

ZBA member's Comment – Smith asks if they still need people on the ZBA. They need 2 alternates. Cypher suggests putting an ad in the paper, and recommends to contact the board about being on the next agenda. Dawkins prefers to contact them herself. Smith asks if they should be thinking about names for who could join. Dawkins asks members to think about who could participate. Cory has some people in mind but wants to discuss with them directly.

Och states that it's her last ZBA meeting. It's been action packed in spite of not a lot of cases. Reiterates that the big case that happened in Leland was handled very well by the PC and ZBA. She states that Cypher is a gem and they greatly missed him when he wasn't the ZA. She appreciates Brooks and other younger generation people participating in the process. Thanks everyone for all of their work. Och reminisces about her experience as the board town chair. Dawkins jumps back to site visits and ZA accompanying each member to a site visit. Cypher wants to check with attorney.

Smith – if an applicant or representative doesn't show up, it's a default that it's not approved. She wanted the record to show that the applicant wasn't there at last meeting. ZBA discusses Petersen case and lack of attendance by the Applicant or Representative.

Dawkins asks if they want to look at other types of training. Discussion turns to open meeting act, Dawkins doesn't think it's a violation to reply all in email. The ZBA discusses whether or not to use Doodle, agree it's OK. Dawkins will email other types of training materials.

Adjournment Bunbury moves to adjourn, Cory seconds the motion, all vote aye
Meeting is adjourned at 3:09 pm.

Date Approved: _____

Note: A quorum of the Leland Township Board may be present. However, no Leland Township Board business will be conducted at this meeting