

CENTERVILLE TOWNSHIP ZONING BOARD OF APPEALS
Public Hearing
May 14, 2024 6:30 PM
Centerville Township Hall

Welcome and Introductions: Jeff Smith, Chair, called the meeting to order at 6:45pm.

Attendance: Jeff Smith, Deb Kuhn, Noel Bielaczyc, and Michelle Irwin (alternate) were present. Lauren Teichner, as Township legal counsel, and Erin Hagerty, as acting Recording Secretary, were also present.

Review and Approval of Agenda: Smith read the agenda for members of the public and shared a summary of the way the meeting would proceed. Smith gave the background of the Masterplan. The members considered the agenda. **Kuhn moved to approve the agenda as presented, Bielaczyc seconded. All in favor, motion carried.**

Declaration of Conflict of Interest: No members declared a conflict of interest.

Leelanau Pines Appeal of Planning Commission Site Plan Review Decision

I. Consideration of Hearing Procedures

Teichner had previously distributed a draft hearing procedures document (see attached), which is also in the public record for this proceeding. Teichner reviewed that document. The board considered the recommended procedures. No suggested changes. **Bielaczyc moved to approve the procedures as written, Smith seconded. All in favor, motion carried.**

II. Presentation by Applicant

Mr. Brion Doyle, counsel for Northgate/Leelanau Pines, made an oral presentation which provided background on the dispute dating back to the Spring of 2022 as well as arguments regarding the six points on appeal and why Northgate/Leelanau Pines' proposal meets those standards.

Doyle reached the 30 minute time limit before his presentation concluded, but Smith allowed him a few more minutes to finish his remarks.

III. Public Hearing

The public hearing opened at 7:19 pm.

Ken Reid, public comment.

Bill Rastetter, public comment.

Public hearing closed at 7:27 pm.

IV. Reply Comments by Appellant

Doyle replied on behalf of Northgate / Leelanau Pines to each public comment.

V. Board Deliberation

Deliberations began at 7:31pm.

Smith stated that the ZBA will consider the comments from tonight and the official record, and will focus on the items in dispute:

1. The ZBA deliberated regarding the administrative requirement in **Section 13.1(B)(a)(9)** (project description).
2. The ZBA deliberated regarding the administrative requirement in **Section 13.1(B)(a)(14)** (impact statement).
3. The ZBA deliberated regarding the administrative requirement in **Section 13.1(B)(b)(13)** (location of utilities).
4. The ZBA deliberated regarding **Standard 2** (Section 13.1(G)(2)) ("The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas.")
5. The ZBA deliberated regarding **Standard 5** (Section 13.1(G)(5)) ("The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent parcels. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.")
6. The ZBA deliberated regarding **Standard 16** (Section 13.1(G)(16)) ("Site plans shall fully conform to all applicable state and federal statutes.")
7. The ZBA also chose to deliberate regarding **Standard 17** (Section 13.1(G)(17)) (" Site plans shall conform to all applicable requirements of local, state and federal statutes and approval shall be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.")

ZBA deliberation ended for tonight at 9:27pm and will continue at next meeting. Teichner stated she will prepare proposed findings of fact for the ZBA's review, and the Applicant can submit any additional information by May 21, 2024.

Public Comment (limited to matters other than Northgate/Leelanau Pines Appeal):

Dave Borton, public comment – began to comment on Northgate/Leelanau Pines appeal, Smith stopped him.

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Chris Grobbel, public comment.

Adjourn:

Bielaczyc moved to adjourn at 9:29pm, Kuhn seconded. All in favor, motion carried.

Respectfully submitted,

Erin Hagerty
Acting Recording Secretary

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Updated Recommended Procedures for Leelanau Pines' ZBA Appeal #2

The following is a set of procedures for Northgate Leelanau Pines LLC's ZBA Appeal #2 of the Planning Commission's denial of site plan approval. Township legal drafted these recommended procedures in consultation with the Chair.

- Record before the ZBA:
 - The record before the ZBA is in the process of being organized and indexed and will be stored in a Dropbox site. Links to the record will be added to the Township's website.
 - Under Centerville Township's Zoning Ordinance, new evidence will be considered by the ZBA. The ZBA can and should consider written and oral comments and arguments about the information in the record.
- May 14, 2024 meeting:
 - Consideration of these procedures
 - Township legal will provide an overview.
 - We ask the ZBA to review the procedures, modify them as necessary to meet your needs, and then approve them by motion.
 - Initial presentation by appellant
 - The appellant will have uninterupted time to present argument in support of the appeal.
 - Time limit: 10 minutes.
 - If the ZBA members have any questions they will ask them at the conclusion of the appellant's presentation to avoid subtracting from the appellant's time.
 - Public hearing
 - Open to any member of the public who wishes to speak.
 - Time limit for each public comment: 3 minutes.
 - Close public hearing.
 - Reply comments by appellant –
 - There is an opportunity for the appellant to respond to anything they wish from the public hearing.
 - Time limit: 10 minutes.
 - Board deliberation –
 - ZBA members will discuss their opinions regarding the appeal and particularly the 17 site plan review standards as well as other zoning and master plan provisions highlighted in the staff report.
 - Focus is on whether the Planning Commission made a correct or incorrect decision regarding each standard.

- The ZBA is required to make detailed findings of fact and a written decision. The objective of the discussion is to provide sufficient guidance to legal to draft possible findings of fact and a decision reflecting the Board's discussion, for consideration at the second meeting on May 29, 2024.
- No additional comments from anyone should be allowed during deliberation but ZBA members may ask questions if they wish.
- Public comment at the end of the meeting should be limited to matters other than Leelanau Pines' appeal.
- Between meetings:
 - Legal will prepare proposed findings of fact and a draft decision for the ZBA to consider at the second meeting.
 - Appellant may submit any final written comments or arguments addressing matters from the May 14 hearing by **May 21, 2024**.
- May 29, 2024 meeting:
 - Board will review and discuss proposed findings and draft decision, modify them as needed, and vote.
 - Public comment will be taken at the beginning of the meeting but not a second public hearing.

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