

**CHARTER TOWNSHIP OF OXFORD
ZONING BOARD OF APPEALS MEETING**

NOTICE AND AGENDA

Date: Monday, September 11, 2023
Time: 7:00 p.m.
Place: 300 Dunlap Road, Oxford, MI 48371

1. Call to order
2. Respects to the flag
3. Noting of roll
4. Approval of the agenda
5. Approval of minutes
 - A. Regular Meeting May 8, 2023
 - B. Special Joint Meeting with TB & PC August 24, 2023
6. Public comment on items not on the agenda
7. New business
 - A. Bylaws
8. Board Member Comments
9. Adjournment

The Charter Township of Oxford will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing. Individuals with disabilities requiring auxiliary aids or services shall contact the Charter Township of Oxford, by writing or calling, Curtis W. Wright, Township Clerk, (248) 628-9787, as soon as possible to allow the Township sufficient time to have available the aids and services.

Korey Bailey, Chairperson
Charter Township of Oxford, Zoning Board of Appeals
300 Dunlap Road, Oxford, MI 48371
(248) 628-9787

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
MAY 8, 2023

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, May 8, 2023 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

Members Present: **Mageli, Payne, Birch (alternate), Bailey**

Members Absent: Butler, Walters

Also Present: Township Planner Megan Masson-Minock, Township Attorney Nancy Olind, Planning & Zoning Coordinator Cheryl Lotan, Recording Secretary Susan McCullough, one cameraperson (OCTV) and no guests.

The meeting was called to order by Chairman Bailey at 7:00 p.m.

APPROVAL OF THE AGENDA

Board Member Mageli moved, Board Member Payne seconded, to approve the May 8, 2023 agenda as presented.

Ayes: 4 Nays: 0 Absent: 2
Motion Carried.

APPROVAL OF MINUTES – April 10, 2023

Board Member Payne moved, Board Member Mageli seconded, to approve the April 10, 2023 minutes, as presented.

Ayes: 4 Nays: 0 Absent: 2
Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

ZBA Training - Workshop

Township Planner Megan Masson-Minock and Township Attorney Nancy Olind advised the Zoning Board of Appeals on meeting decorum and procedural rules.

BOARD MEMBER COMMENTS

The Board thanked Ms. Masson-Minock and Ms. Olind for the training. Board Member Payne also stated that the Zoning Basics class offered through the Michigan Association of Planners is a very good class for additional training.

ADJOURNMENT

Board Member Payne moved, Board Member Mageli seconded, to adjourn the meeting at 8:21 p.m.

Ayes: 4 Nays: 0 Absent: 2
Motion Carried.

Korey Bailey, Chairperson

James Butler, Secretary

Approved:
/smm

CHARTER TOWNSHIP OF OXFORD BOARD OF TRUSTEES, PLANNING COMMISSION, AND ZONING BOARD OF APPEALS SPECIAL JOINT MEETING, THURSDAY, AUGUST 24, 2023

A Special Joint Meeting of the Charter Township of Oxford Board of Trustees, Planning Commission and Zoning Board of Appeals was held Thursday, August 24, 2023 at the Oxford Senior Center, 2795 Seymour Lake Road, Oxford, Michigan 48371.

Supervisor Curtis called the meeting to order at 6:30 p.m.

RESPECTS TO THE FLAG

NOTING OF ROLLS

Township Board Members Present: Charles, Colvin, Curtis, Ferrari, Nold, Payne, Wright
Township Board Members Absent: None

Planning Commissioners Present: Bailey, Ballard, Berger, Hunwick, Nold, Spisz, Turner
Planning Commissioners Absent: None

Zoning Board of Appeals Members Present: Bailey, Butler, Mageli, Payne, Walters
Zoning Board of Appeals Members Absent: None

Also Present: Township Planner Masson-Minock, Township Planner Passalacqua, Building Official London, Fire Chief Majestic, Parks and Recreation Director Castonia, two camera persons (OCTV), and five residents.

APPROVAL OF THE AGENDA

Treasurer Ferrari moved, Trustee Payne seconded, to approve the August 24, 2023 agenda as presented.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Commissioner Spisz moved, Commissioner Hunwick seconded, to approve the August 24, 2023 agenda as presented.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Board Member Butler moved, Board Member Walters seconded, to approve the August 24, 2023 agenda as presented.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

WELCOME – SUPERVISOR CURTIS

Supervisor Curtis welcomed all Board Members and Commissioners to the meeting.

CARLISLE|WORTMAN ASSOCIATES PRESENTATION

Township Planners Megan Masson-Minock and Matteo Passalacqua shared a Plan to Plan presentation, discussing process outlines, data, visual aids, and next steps. They also reviewed the SEMCOG data across various timelines and sectors.

CHARTER TOWNSHIP OF OXFORD BOARD OF TRUSTEES, PLANNING COMMISSION, AND ZONING BOARD OF APPEALS SPECIAL JOINT MEETING, THURSDAY, AUGUST 24, 2023

BRAINSTORMING ACTIVITY: WHAT ITEMS ARE REQUIRED FOR THE MASTER PLAN?

Discussion only. No action taken.

DISCUSSION

Discussion only. No action taken.

TOWNSHIP BOARD DECISION ON LEVEL OF MASTER PLAN FUNDING

Trustee Charles moved, Trustee Payne seconded, to authorize Carlisle Wortman Associates, Inc. to proceed with a Comprehensive Update of the current Master Plan at a cost not to exceed \$50,000.00. This \$50,000.00 amount is to be expensed to General Fund Account 101-701-801.001 Planner/Professional Services Master Plan.

Roll call:

Ayes: Colvin, Charles, Nold, Payne, Ferrari, Wright, Curtis

Nays: None

Absent: None

Motion Carried.

PUBLIC COMMENT

One resident spoke during this portion of public comment.

NEXT STEPS AND THANK YOU – SUPERVISOR CURTIS

Supervisor Curtis outlined the next steps in the process and thanked Carlisle|Wortman, the public and all board and commission members for their attendance and input.

ADJOURNMENT

Treasurer Ferrari moved, Trustee Payne seconded, to adjourn the meeting at 8:06 p.m.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Commissioner Hunwick moved, Commissioner Nold seconded, to adjourn the meeting at 8:07 p.m.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Board Member Butler moved, Board Member Walters seconded, to adjourn the meeting at 8:08 p.m.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

Jack Curtis, Supervisor

Curtis Wright, Clerk

Approved:

CHARTER TOWNSHIP OF OXFORD BOARD OF TRUSTEES, PLANNING
COMMISSION, AND ZONING BOARD OF APPEALS SPECIAL JOINT MEETING,
THURSDAY, AUGUST 24, 2023

Tom Berger, Chairman

Ed Hunwick, Secretary

Approved:

Korey Bailey, Chairman

James Butler, Secretary

Approved:

/smm

OXFORD TOWNSHIP ZONING BOARD OF APPEALS
BYLAWS
Adopted September ____, 2023

The following Bylaws are hereby adopted by the Oxford Township Zoning Board of Appeals (hereinafter ZBA) to facilitate the performance of its duties as outlined in the Zoning Enabling Act, Public Act 110 of 2006, as amended, and in such a way that the objectives of the Township Zoning Ordinance No. 67A shall be observed, public health, safety and welfare secured, and substantial justice done.

SECTION 1: Membership

- A. Regular Members.** The ZBA shall consist of five (5) members, appointed by the Township Board. One member shall be a member of the Township Planning Commission. One member of the Township Board of Trustees shall be appointed by the Township Board for the period of their term of office as a member of the Township Board. Members of the Planning Commission and Township Board shall not serve as Chairperson of the ZBA. The remaining members, and any alternate members, shall be representative of the population distribution and of the various interests in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.
- B. Alternate Members.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. An alternate member may be called as specified to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.
- C. Removal.** A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- D. Terms of Office.** The terms of office for members appointed to the ZBA shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one (1) month after the term of the member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 2: Officers

- A. **Selection and Tenure.** At the first regular meeting each year, the ZBA shall select from its membership a Chairperson, a 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 liaisons to other groups with concurrence from the ZBA membership, authorize calls for special meetings and perform such other duties as may be specified by the ZBA.
- C. **Vice Chairperson.** The Vice Chairperson shall act in the capacity of the Chairperson in the Chairperson's absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the ZBA members shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. **The Secretary** shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc. brought before the ZBA. Such duties may be performed by an employed recording secretary for the ZBA.

SECTION 3: Meetings

- A. **Regular Meetings.** The regular meetings of the ZBA shall be held on the second (2nd) Monday of each month at 7:00 p.m. Other meetings may be held, as necessary. Regular meetings may be cancelled by the Chairperson when there is insufficient new or pending business to warrant such a meeting. The ZBA shall not conduct business unless a majority of its regular members are present.
- B. **Special Meetings.** Special meetings may be called by the Chairperson or by two (2) or more members of the ZBA at such time and place as deemed necessary with forty-eight (48) hours' prior notice. Such notice shall include the purpose of the special meeting. Special meetings shall be posted at the Township Hall at least eighteen (18) hours prior to the beginning of said meeting.

Written, verbal or electronic notice of special meetings shall be given to the members of the ZBA at least forty-eight 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.** In accordance with the Michigan Zoning Enabling Act (MCL 125.3103), for all matters that require a public hearing, the ZBA shall provide notice as follows:
1. Notice shall be published in the Oxford Leader not less than 15 days before the date of the hearing.
 2. Notice shall also be provided to the owner of property within 300 feet of any property that is the subject of the request and to occupant of all structures within 300 feet of the property that is the subject of the request via personal service or via US Mail at least 15 days prior to the date of the hearing. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, then one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.
- D. Open Meetings Act.** All business of the ZBA shall be conducted at a public meeting held in compliance with the Open Meetings Act. No informal meetings or discussions shall be conducted. The regular meetings of the ZBA shall be held on the second (2nd) Monday of each month at 7:00 p.m. The ZBA shall not begin discussion or take action on a new agenda item after 10:00 p.m. except by a majority vote of the ZBA members present. Meetings shall not extend beyond 10:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the ZBA, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda at the regular meeting of the ZBA as a date certain. Each regular meeting shall be limited to no more than five (5) cases unless otherwise approved by the Chairperson of the ZBA.
- E. Public Records.** All meetings, minutes, records, documents, correspondence, and other materials of the ZBA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- F. Quorum.** Three members of the ZBA shall constitute a quorum for transacting business and taking official action on all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act. No other action shall be taken at a meeting at which a quorum is not present.
- G. Voting and Decisions.** The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the Zoning Ordinance, or to grant a variance of Zoning Ordinance requirements.

H. Public Comment. Under the Public Comment portion of the agenda, the following rules shall apply:

1. The Public shall be invited to address the ZBA on both agenda and non-agenda items.
2. The Chairperson will open Public Comment and ask those wishing to speak to address the ZBA to approach the podium before speaking and to provide name and address.
3. Comments made in this portion of the meeting are limited to three (3) minutes per individual.

I. Order of Business. Conduct of a regular meeting shall consist of the following order of business:

1. Call to Order
2. Respects to the flag
3. Noting of roll
4. Agenda review and approval
5. Minutes
6. Public comment on items not on the agenda
7. Unfinished Business
8. New Business
9. Public Comments
10. Communications
11. Committee Reports
12. Member Comments
13. Adjournment

J. Procedure for Considering Applications. Meeting procedures and conduct shall be generally consistent with Robert's Rules of Order, unless superseded by the Open Meetings Act (MCL 15.261, et seq) or these ZBA Bylaws.

As the ZBA considers applications, the following process shall be followed for each request:

1. Chairperson will generally introduce the request from language on the agenda.
2. Chairperson will direct the Applicant to approach the podium and present their case.
3. ZBA members will ask questions of the Applicant, if any.
4. Public Comment will be opened. The Chairperson will ask those wishing to speak about an agenda item to approach the podium before speaking and to provide name and address.
5. Public comments will be directed to the Chairperson. This is a time for members of the public to make comments, not engage the Applicant or ZBA members in a conversation.
6. Public comments made in this portion of the meeting are limited to three (3) minutes per individual addressing the ZBA. Each speaker may address the ZBA one time.
7. Public Comment will be closed.
8. Board member questions and comments, if any.
9. Applicant response.
10. Board members will deliberate on the request. The Chairperson shall call on each ZBA member individually to comment on the request.
11. A motion will be offered and if supported, discussion held on the motion amongst Board members seeking counsel from staff or the Attorney, as necessary.
12. A vote on the motion is taken.

SECTION 4: Conflict of Interest

- A.** ZBA members shall declare a potential conflict of interest and abstain from participating in ZBA deliberations and voting on a request when:
1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision.
 2. The ZBA 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 ZBA member owns or has a financial interest in the 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; or
 4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the ZBA present.
 5. A member of the ZBA who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Township Board. However, in accordance with the Michigan Zoning Enabling Act, a ZBA member who is also a member of the Planning Commission or Township Board may vote on a different matter involving the same property.
- B.** The meeting minutes will reflect the abstention.
- C.** Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

SECTION 5: Amendments

These bylaws shall take effect upon adoption by the ZBA and approval by the Township Board of Trustees.

These bylaws may be amended at any regular meeting by an affirmative vote of three (3) members of the ZBA provided the proposed changes have been read at a preceding regular meeting. Amendments shall take effect upon adoption by the ZBA and final approval by the Township Board of Trustees.