



MEMORANDUM

TO: Mayor Burch and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Zoning Board of Appeals

DATE: August 20, 2014

The Zoning Board of Appeals (ZBA) is established under the zoning ordinance for the purpose of hearing cases in which a property owner has been denied permission to do something as a result of the enforcement of the provisions of the zoning ordinance. In the past two years, the ZBA has met only once and that was for the purpose of acting as a building board of appeals to consider a dangerous building situation.

Michigan's Zoning Enabling Act provides for the City Council to act as a ZBA or to appoint members to a separate ZBA to hear appeals. The current structure of a separate ZBA was established in 1998. I presume that prior to that date the Council acted as ZBA.

There are currently several vacancies on the ZBA and additional terms are set to expire in early September. We have recently received an application for a variance request so it is essential that we have a body constituted to hear the case. I have several concerns about appointing new members to the ZBA including the historical difficulty in attracting citizen interest in this body and the challenge in keeping up members' skill sets when the body meets so seldom.

My solution to these concerns is to amend the zoning ordinance to return the responsibility for hearing appeals to the City Council. I have spoken to Mayor Burch and Planning Commission chairman Lyle Robinette and both support the idea of having Council act as ZBA.

Elsewhere in the agenda packet you will find a proposed ordinance prepared by City Attorney Hitch which, if approved, would empower the City Council to act as ZBA.

As this is a zoning ordinance amendment, it is necessary for the Planning Commission to conduct a public hearing. I am asking that Council accept the ordinance for first reading and refer the ordinance to the Planning Commission for a public hearing at its meeting on September 2.