

**Eagle Township Zoning Board of Appeals**  
14318 Michigan St., Eagle, MI 48822

**Meeting Agenda**  
April 22, 2024

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Correspondence
6. Public Comment on Agenda Items
7. Old Business
  - a. Approval of By-laws
8. General Public Comment
9. Adjournment

**DRAFT**

**Eagle Township Zoning Board of Appeals Meeting Minutes**

14318 Michigan St, Eagle, MI 48822

March 25, 2024

1. **Call to Order:** Meeting was called to order by Michael Dyer at 7:00 pm-Pledge of Allegiance.

Present: Mike Dyer, Rob Currie, Larry Strzalka

Others present: Chris Khorey of McKenna Associates, Dennis Strahle, Terry Grant, Brad Rich

2. **Approval of Agenda:** Moved by Dyer supported by Strzalka to approve the agenda. Motion carried.

3. **Election of Officers:** A brief discussion was held. Strzalka moved, Dyer supported to make Mike Dyer board chairman, Larry Strzalka, secretary and Rob Currie as member. Motion carried unanimously.

4. **Public Comment on Agenda Items.** None

5. **Approval of By-Laws.** The board and Chris Khory reviewed the by-laws as presented.

Discussion was held and changes were proposed to amend the by-laws. Currie moved, supported by Dyer. "We accept the amended by-laws as presented and McKenna Associates to amend the language as proposed. McKenna Assoc is to provide the changes for the next Zone Board of Appeals meeting for final approval." Motion carried 3-0.

6. **Public Hearing on Variance Request-Terry Grant, 11145 W. Herbison Road, Accessory Building in Front Yard**

Currie moved, Dyer seconded to open the public hearing. Motion carried.

Chris Khorey introduced the case

After discussion Currie moved to close the public hearing, Dyer seconded motion carried.

7. **New Business Variance Request**-Terry Grant, 11145 W. Herbison Road, Accessory Building in Front Yard

Strzalka moved to grant the variance based on Section 6.02, "The topography of the parcel does not lend itself to construct the pole barn in the backyard. The most practical place to construct the pole barn is the proposed site.

Roll call vote: Currie yes, Dyer yes, Strzalka yes

Motion passes.

8. **General Public Comment**

Dennis Strahle commented that putting the pole barn to the south (in the backyard) devalues the property due to the views.

9. **Adjournment** Currie moved to adjourn Dyer supported. Motion carried. Meeting was adjourned at 9:18pm

**TOWNSHIP OF EAGLE**  
**ZONING BOARD OF APPEALS**  
**BYLAWS AND RULES OF PROCEDURE**

**Adopted: April 22, 2024**

The main function or purpose of the following Bylaws is to establish the rules of operation for the Zoning Board of Appeals. In addition to establishing procedure, the Bylaws also describe the organizational framework of the Zoning Board of Appeals, and, in general terms, define the duties and responsibilities of the Zoning Board of Appeals.

Eagle Township  
14318 Michigan St.  
Eagle, MI 48822

## **ARTICLE I: AUTHORITY**

### **Section 1**

The following rules and procedures of the Township of Eagle Zoning Board of Appeals (hereinafter referred to as "the ZBA") are subordinate and subject to the following statutes:

Municipal Planning Act, Michigan Public Act 285 of 1931, as amended  
Open Meetings Act, Michigan Public Act 267 of 1976, as amended  
Planning Enabling Act, Public Act 33 of 2008  
Michigan Zoning Enabling Act P.A. 110 of 2006 further amended as Public Act 12 of 2008  
The Eagle Township Zoning Ordinance.

## **ARTICLE II: TITLE**

The title of the Board shall be "The Eagle Township Zoning Board of Appeals."

## **ARTICLE III: MEMBERSHIP**

### **Section 1**

The membership of the Zoning Board of Appeals shall be the number and appointed according to the procedure as established in the Eagle Township Zoning Ordinance of 2024 and section 601 of P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C. L. 125.3601).

A quorum of the membership of the ZBA shall be considered three members, or a majority of the membership (not including alternates), whichever is greater.

### **Section 2**

Absence of a member from three (3) consecutively scheduled meetings or three (3) of seven (7) regular meetings without the recorded consent of the Chair may be construed as a resignation from the ZBA by absence. The Chairperson shall determine if absences will be excused. The Chair shall convey absenteeism to the Township Board for consideration at a public hearing.

### **Section 3**

When members propose to resign, a notice of their intent in writing shall be provided to the Chairperson with a date of the resignation, effective in such a manner as to allow time for appointment of successors. The Chairperson shall promptly indicate that a vacancy exists and provide a copy of the resignation to the Township Supervisor.

### **Section 4**

Members of the ZBA are required to attend training in planning and zoning. The Township will make every effort to provide training that is convenient and conducive to the member's schedule. As part of training, every member is encouraged to read the Eagle Township Zoning Ordinance, the Michigan Zoning Enabling Act, the Planning Enabling Act and the Michigan Municipal League's Zoning Board of Appeals Handbook.

### **Section 5**

The ZBA may request the assistance of Liaisons. The purpose of liaisons is to provide information. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Article III, section 2. Liaisons are, but not limited to: Zoning Administrator, Building Inspector, Attorney, County Surveyor, County Register of Deeds, Planning Consultant.

### **Section 6**

A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes a malfeasance in office.

### **Section 7**

Members may be paid a reasonable per diem and be reimbursed for expenses actually incurred in the discharge of his or her duties at a rate determined by the township board. Members may volunteer their services.

## **ARTICLE IV: Conflict of Interest and Incompatibility of Office.**

### **Section 1**

Each member of the ZBA shall avoid situations that are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- b. Issuing, deliberating on, voting on or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership or and other entity in which he or she is a part owner, or any other relationship where her or she may stand to have financial gain or loss.
- d. Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
- f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is
  - (1) An applicant or agent for an applicant or
  - (2) Has a direct interest in the outcome.

**Section 2**

If a member determines that they have a conflict of interest, or a potential conflict of interest, they shall inform the Chair of the ZBA, who shall ensure that an alternate is present at the meeting, to take the place of the conflicted member.

When a conflict of interest exists, the member of the Zoning Board of Appeals shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. Declare a conflict exists at the next meeting of the Zoning Board of Appeals.
- b. Cease to participate at the Zoning Board of Appeals meetings, or in any other manner, or represent one's self before the Zoning Board of Appeals, its staff, or others, and
- c. During deliberation of the agenda item before the Zoning Board of Appeals leave the meeting, or remove one's self from the front table where members of the Zoning Board of Appeals sit, until that agenda item is concluded.

**Section 3**

If a member of the Zoning Board of Appeals is appointed to another office, which is an incompatible office with his or her membership on the Zoning Board of Appeals, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Zoning Board of Appeals. If a member of another office is appointed to the Zoning Board of Appeals which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Zoning Board of Appeals, that shall result in an automatic resignation from the other office.

**ARTICLE V: Officers and Duties of Officers****Section 1**

At the annual meeting each year, the ZBA shall select from its membership a Chair, Vice-Chair and Secretary. All officers are eligible for reelection.

**The officers of the ZBA shall be:**

**A Chairperson**, who shall perform the duties of the office as follows:

- Preside at all Regular, Adjourned, Special or Committee Meetings.
- Prepare the agenda for each meeting, or instruct the Zoning Administrator to do so.
- Sign all decisions of the ZBA.
- Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs or similar topics; profanity; or other remarks which are not about the topic before the ZBA.
- Appoint committees; and the officers of such committees if deemed necessary.
- May call special meetings, and inform the Township Board and Planning Commission that the special meeting has been scheduled.
- May administer oaths and compel the attendance of witnesses.
- Represent the ZBA before a Township Board.
- Represent the ZBA in legal matters.

- Receive all communications, petitions, and reports to be addressed by the ZBA and distribute as needed.
- Ensure that all meeting agendas and supporting information are provided to the members of the Township Board, the Planning Commission, and the Zoning Board of Appeals prior to the meeting.
- Ensure that all meeting agendas and supporting information are posted on the Township website.
- Perform other such duties as may be ordered by the Zoning Board of Appeals

**A Secretary**, who shall perform the duties of the office as follows:

- Act in the capacity of the Chair, with all the powers and duties of the Chair as previously stated, in the absence of the Chair; and appoint an Interim Secretary to take minutes.
- Restate all motions.
- Record the minutes of each meeting for review.
- Review the draft minutes of each meeting.
- Submit reviewed draft minutes to the Zoning Board of Appeals for approval at the next meeting.
- Transfer draft minutes and approved minutes of each meeting to the Township Clerk.
- Provide notice to the public for all regular, adjourned, special and committee meetings pursuant to the Open Meetings Act, P.A. 267 of 1976 as amended, M.C.L. 15.261 *et seq* and pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006.
- Perform other such duties as may be ordered by the Zoning Board of Appeals.

## **Section 2**

### **A. *Ex Parte* contact**

1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the Appeals Board whenever possible.

Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the ZBA at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.



**B. Site Inspections**

1. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the ZBA at a public meeting or hearing on the site.
2. If desired, no more than one member of the ZBA at a time may conduct a site visit with written permission of the applicant.

**C. Not Voting on the Same Issue Twice.**

1. Any member of the Zoning Board of Appeals shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:
  - a. When the appeal is of an administrative or other decision by the Planning Commission and the member of the Zoning Board of Appeals sits both on the Planning Commission and ZBA.
  - b. When the appeal is of an administrative or other decision by the Township Board and the member of the Zoning Board of Appeals sits both on the Township Board and ZBA.
  - c. When the appeal is of an administrative or other decision by any committee of the Planning Commission, Township Board, other committee, and the member of the Zoning Board of Appeals sits both on that committee and ZBA.

**D. Accepting gifts.**

1. Gifts shall not be accepted by a member of the ZBA or liaisons from anyone connected with an agenda item before the Zoning Board of Appeals.
2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value.

**E. Spokesperson for the Zoning Board of Appeals.**

1. Free and open debate should take place on issues before the Zoning Board of Appeals. Such debate shall only occur at meetings of the ZBA.
2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Zoning Board of Appeals is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Zoning Board of Appeals.

- a. *Recess the meeting for a short time to allow those in opposition to caucus in order to have one speaker on their behalf for an unlimited period of time if there are a large number of people present on an issue.*
  - b. *Allow many to speak in opposition of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.*
- (vi) **Rebuttal.** Anyone may ask the Chairman questions on presentations or speeches given at this hearing. The Chairman will seek an answer to the question. Answers shall be given to the Chairman. No discussion, questioning or answering shall take place between any two or more people except between the Chairman and the individual who has the floor.
  - (vii) **Close the hearing.** (At this point all public participation on the issue ends.)
- F. Public Comment for on this agenda but which are not items subject to a hearing at this meeting.
  - G. Recess to another night as deemed necessary (optional).
  - H. Housekeeping Business.
    - (1) Approval of minutes from previous meeting.
    - (2) Other.
  - I. Business Session.
    - (1) Action on pending appeal number/name.
      - (i) Discussion: Review of the facts based on all information presented (from the application, written request for appeal, zoning ordinance, physical characteristics of the parcels, staff reports, hearing testimony). Discussion continues until a member is confident enough to propose a motion that includes a "finding of fact" and/or "conclusions", and "rationale explaining why conclusions are reached" and "conditions" if any.
      - (ii) Motion is proposed on "finding of fact".
      - (iii) Discussion on the motion.
      - (iv) Action on the motion.
      - (v) Discussion focusing on standards and requirements of the ordinance.
      - (vi) Motion is proposed on "rationale, conclusions, conditions".
      - (vii) Discussion on the motion.
      - (viii) Action on the motion.
    - (2) Other business of the Appeals Board.
  - J. Public comment for items not on this agenda or subject to a hearing at this meeting.
  - K. Adjournment.
  - L. The deadline to add administrative items (that do not require public hearings), by members of ZBA or Township Officers such as the Supervisor or Zoning Administrator, to the ZBA meeting agenda shall be no less than 3 business days prior to the next regularly scheduled ZBA meeting.

**ARTICLE VIII: Amendment of Bylaws and Rules of Procedure**

These Bylaws and Rules of Procedure are intended to provide guidance to enable the Eagle Township Zoning Board of Appeals to function appropriately. These bylaws may be amended from time to time by the Eagle Township Zoning Board of Appeals to bring conformance to changes in State Law or to clarify procedures as set forth herein.

Adopted by the Eagle Township Zoning Board of Appeals on this 22<sup>nd</sup> day of April in the year 2024.

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ZBA Chairperson

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ZBA Secretary