

**VEVAY TOWNSHIP  
ZONING BOARD OF APPEALS  
Regular Meeting  
Monday, February 5, 2018  
Vevay Township Hall – 7:00 p.m.**

MINUTES

**Members Present:** Chair Jack Cady, Vice Chair Ilene Thayer, Secretary Robert Schnabelrauch, Member Roger Wood, Member Richard Lacasse, and Alternate Gary Howe

**Members Absent:** None

**Others Staff Present:** Legal Counsel David Revore, Clerk JoAnne Kean and Supervisor Jesse Ramey

**Called to Order.** The meeting was called to order by Chair Cady at 7:00 p.m. and the Pledge of Allegiance was recited.

**Approval of Agenda.** Motion Howe, seconded Wood to approve the agenda as presented. Motion approved unanimously.

**Approval of the November 9, 2017 Minutes.** A brief discussion occurred regarding “a consensus” decision vs a “motion” to elect the 2018 ZBA Officers. No change to the minutes was suggested; however, for future election of officers a motion will be made.

**Motion Howe, seconded Lacasse, to approve the November 9, 2017, Minutes as presented. Motion approved unanimously**

**Public Comment:** None.

**Review of Zoning Ordinance (ZO) Amendment 68.47, Chapter 18.02 Regarding Interpretations, Paragraph A & B.** Legal Counsel Revore reviewed the ZO Amendment 68.47 with the ZBA. He said that paragraph A corrects a typographical error and paragraph B removes 18.05(B)(4) which read:

***B.4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.***

Attorney Revore said that the removal was recommended as this is an “odd standard” and he could not find support for it.

The ZBA reviewed with Attorney Revore the need for a “text interpretation” hearing to include “standards or facts”. Attorney Revore added properties are unique and based upon the circumstances, the ZO may require an interpretation. It was determined by the members that the intent of the ZO and Chapter 18 specifically will be used to guide the finding of facts for a text interpretation hearing.

When the ZBA deems it necessary, the Planning Commission has been asked to review and change the ZO when problematic language is found.

**Severability Clause.** “**This Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, ...**” This section of the clause was discussed; specifically the “separation of powers” issue. Attorney Revore said that this language is written broad due to the unknown rulings that may be made by the State or the Courts which are beyond the control of this board.

**Review of ZBA Checklist – Appeals/Variances.** Attorney Revore has provided the ZBA with the check list from the Michigan Municipal League (MML) and a one-page checklist from the City of Marshall. Extensive review of Vevay Township’s checklist considering the MML and Marshall’s lists was made. Upon the verbal financial approval by Supervisor Ramey, Attorney Revore was asked to prepare a revised draft based on tonight’s discussion for review and consideration at their March 5, 2018 meeting. The draft should be ready for review one week prior to the meeting and will be e-mailed to all.

**Review of Conflict of Interest By-Laws.** The current Conflict of Interest By-Laws were reviewed. Two changes were discussed:


**Section (B)(1)** the following words were stricken, “*that renders the member unable to be impartial or be reasonable viewed as impartial.*”

**Section (D)(2)** the following words were stricken: “*if leaving would violate the member’s constitutionally protected right to participate*”. And, add “*as a ZBA member.*”

The newly revised By-Laws will be reviewed and considered at the March 5, 2015 meeting (see attached draft By-Law, with changes).

**Additional Public Comment:** None.

**Adjournment:** Being no further business for the Board; the meeting was adjourned at 9:09 p.m.

  
Robert Schnabelrauch, Secretary

*Transcribed by Clerk JoAnne Kean*