

AGENDA

SPARTA TOWNSHIP
ZONING BOARD OF APPEALS
Wednesday, April 9, 2024
7:00 P.M.

Sparta Township Hall
160 East Division Street
Sparta, MI 49345

This meeting can be viewed live or recorded at
<https://www.youtube.com/channel/UCu9bOagfR6m02k7rdmX3TLA>

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of the Agenda
- IV. Minutes of November 13, 2024 Regular Meeting
- V. Review of Zoning Board of Appeals Bylaws
- VI. Public Comment
- VII. Business Items
- VIII. Adjournment

BY-LAWS AND RULES OF PROCEDURE
FOR
SPARTA TOWNSHIP BOARD OF APPEALS

1. AUTHORITY.

These rules of procedures are adopted by the Sparta Township Zoning Board of Appeals (hereinafter referred to as the Z.B.A.) pursuant to Public Act 184 of 1943, as amended, Public Act 267 of 1976, as amended, the Open Meetings Act, and Sparta Township Zoning Ordinances Sec. 15.485-15.505.

2. OFFICERS / MEMBERS.

2.1 Selection. At the first meeting after the 30th day of June, the Z.B.A. shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve month period or until a successor is elected and assumes office and who shall be eligible for re-election.

2.2 Duties. A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson. The secretary or his or her agent shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business of the Z.B.A., issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Z.B.A. operations. In the event the secretary is absent, the chairperson or acting chairperson shall appoint a temporary secretary for such meeting.

2.3 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

2.4 Attendance.

A. If any member of the Z.B.A. is absent from more than one meeting in a row, then that member shall be considered delinquent. Delinquency shall be grounds for the governing body to remove any member for nonperformance of duty.

B. When a petitioner fails to appear at a properly scheduled meeting of the Z.B.A., the chair may entertain a motion from the Z.B.A. to dismiss the case for want of prosecution. In cases which are dismissed for want of prosecution, the petitioner will be furnished written notice of the action. The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases applicant must file a written request with the Township Clerk for reinstatement. Reinstatement shall be at the discretion of the Z.B.A. for good

cause shown, and upon payment of a fee set from time to time by the governing body. In all cases reinstated in the above described manner, the case will be docketed and readvertised in the usual manner prescribed for new cases.

3. MEETINGS.

3.1 Regular Meeting. Regular meetings of the Z.B.A. shall be held monthly in the Sparta Township Hall, 160 East Division Street, Sparta Michigan on the second Wednesday at 7:30 p.m. when there are agenda items to discuss. The meeting shall be noticed as required by statute, ordinance, and in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Z.B.A. shall select a suitable alternate date in the same month, in accordance with the Open Meetings Act.

3.2 Special Meetings. A special meeting may be called by two members of the Z.B.A. upon written request to the secretary or by the chairperson. The business which the Z.B.A. may perform shall be conducted at a public meeting of the Z.B.A. held in compliance with the Open Meetings Act. Public Notice of the time, date and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the secretary shall send written notice of a special meeting to Z.B.A. members so that it is received in advance of the meeting.

3.3 Voting. A concurring vote of the majority of the members of the Z.B.A. shall be required for a decision on any requested action or motion placed before the Z.B.A. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any member or directed by the chair. All members of the Z.B.A. including the chair shall vote on all matters. Any member shall refrain from voting if that person has a bonafide conflict of interest. Any member abstaining from a vote shall not participate in the discussion of that item.

3.4 Order of Business. A written agenda for all regular meetings shall be prepared as follows.

The order of business shall be:

- Call to Order
- Roll Call
- Approval of Minutes
- Approval of Agenda
- Public Comments and Communications concerning Items Not on the Agenda
- Public Hearings
- Unfinished Business
- New Business

"Adjournment"

Any other Business
Adjournment

A written agenda for special meetings shall be prepared and followed, however, the form as enumerated above shall not be necessary.

3.5 Rules of Order. All meetings of the Z.B.A. shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Orders."

3.6 Lack of Quorum. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Z.B.A. may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

3.7 Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the state statutes and the Sparta Township Zoning Ordinance. Public hearings conducted by the Z.B.A. shall be run in an orderly and timely fashion.

3.8 Motions. Motions shall be restated by the chair before a vote is taken.

A. Motions shall list facts which is the information pertinent to making a decision on the matter, the reasons for approval and conditions for approval, and the reasons why the conditions are imposed.

B. Motions for tabling or adjournment until a later time should also include reasons and the date, time and place the matter will be further considered. Tabling or adjournment until a later time is normally used for continuation of a hearing without having to readvertise.

3.9 Notice of Decision. A written notice containing the decision of the Z.B.A. will be sent to petitioners and originators of a request.

4. MINUTES.

The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions and resolutions shall be attached to the minutes. The official records shall be deposited with the Township Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS.

5.1 All meetings of the Z.B.A. shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Z.B.A. shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Z.B.A. under the rules established in subsection 3.7, and to address the Z.B.A. concerning non-hearing matters under the rules established in Section 3.4 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Z.B.A. except for breach of the peace, committed at the meeting.

5.5 all records, files, publications, correspondence and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

6. AMENDMENTS.

These rules may be amended by the Z.B.A. by a concurring vote pursuant to subsection 3.3, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 10TH DAY OF JANUARY, 1996 BY SPARTA TOWNSHIP ZONING BOARD OF APPEALS.

SPARTA TOWNSHIP ZONING BOARD OF APPEALS

By _____
Phyllis Weber
Its Secretary

MINUTES OF THE SPARTA TOWNSHIP ZONING BOARD OF APPEALS
 Regular Meeting of Wednesday, November 13, 2024, 7:00 PM
 Sparta Township Hall, 160 E. Division St., Sparta MI

This meeting can be viewed live or recorded at <https://www.youtube.com/channel/UCu9bOagfR6m02k7rdmX3TLA>

Present: Chairperson Terry Jost (9/26), Planning Commission Liaison Ken Humphreys (9/27), Andrew Barnum (9/25), John Kozal (9/27), and Mike Lockard (9/25)
 Also Present: Zoning Administrator/Planner Kevin Yeomans of Fresh Coast Planning, Sparta Township Supervisor Dale Bergman, and Recording Secretary Toni Potes

I. / II. Call to Order / Pledge of Allegiance: Chairman Jost called the meeting to order at 7:00 PM, followed by the Pledge of Allegiance.

III. Approval of the Agenda: Motion by Kozal, second by Humphreys, to approve the Agenda. Motion carried unanimously.

IV. Minutes of March 13, 2024, Regular Meeting: Motion by Kozal, second by Lockard, to approve the Minutes. Motion carried unanimously.

V. Review of 2025 Zoning Board of Appeals Meeting Schedule:

Month	Application Deadline	Meeting Date
January	Wednesday, November 27, 2024	Wednesday, January 8, 2025
February	Wednesday, January 1, 2025	Wednesday, February 12, 2025
March	Wednesday, January 29, 2025	Wednesday, March 12, 2025
April	Wednesday, February 26, 2025	Wednesday, April 9, 2025
May	Wednesday, April 2, 2025	Wednesday, May 14, 2025
June	Wednesday, April 30, 2025	Wednesday, June 11, 2025
July	Wednesday, May 28, 2025	Wednesday, July 9, 2025
August	Wednesday, July 2, 2025	Wednesday, August 13, 2025
September	Wednesday, July 30, 2025	Wednesday, September 10, 2025
October	Wednesday, August 27, 2025	Wednesday, October 8, 2025
November	Wednesday, October 1, 2025	Wednesday, November 12, 2025
December	Wednesday, October 29, 2025	Wednesday, December 10, 2025

VI. Business Item

A. Glenwood Mobile Home Park—Review of request to amend bond requirement for wastewater treatment facility variance: Rob Calkins of Glenwood Estates gave results of his investigation into a 20-year bond and found there is no such thing. He is looking for direction from the ZBA to resolve the issue. Rob Engel of First Merchants Bank was present and stated the bank can issue a letter of credit. There is no problem with getting

a letter of credit issued because the bank is financially vested in the project. He offered that the Township be an extra entity to receive notice of any deficiencies by Glenwood Estates. Caitlin DeVries of Lakeshore Environmental was present. Lakeshore Environmental tests the wells. Attorney Ross Keilen was present and suggested a solution for the ZBA pertaining to the options discussed. The options are a letter of credit from the bank, a one-year renewable bond, and/or a pollution insurance policy. A manufacturer's warranty may also be in place. Zoning Administrator/Planner Yeomans reviewed legal counsel's recommendation which included a five-year non-cancelable, irrevocable bond or letter of credit.

Public comment opened at 7:28 PM.

Liz Donnelly of Sunet Pines wants safe drinking water. She asked if the insurance policy covered the neighbors and not necessarily just the park. She was also concerned about property values.

Natalie Horrigan of W. Sunset Pines had questions also about the insurance. She lives close to the park. She questioned how this project will affect the drinking water of the new development next door.

Public Hearing closed at 7:31 PM.

Rob Calkins addressed the neighbor's concerns about the water. They will soon receive notice for testing.

Motion by Barnum, second by Kozal to amend Section 3, Subsection (b) of Resolution 21-08 to require a \$1,000,000 bond or irrevocable letter of credit that is non-cancellable or irrevocable for a period of at least five years. The letter of credit or bond shall not be canceled or revoked without written notice to the Sparta Township at least 120 days before the effective date of such cancellation or revocation. Furthermore, separate written notices would have to be mailed by registered mail to both the Sparta Township Clerk and the Sparta Township Supervisor. OR a pollution insurance policy naming Sparta Township as beneficiary that is acceptable to Sparta Township's legal counsel. So long as the approved wastewater effluent is present on the parcel, the bond, letter of credit, or pollution insurance policy shall be in full force and effect. Motion carried unanimously.

VII. Public Comment: Natalie Horrigan wanted to know how Sunset Pines will be affected by water quality and the new residents coming in.

VIII. Adjournment: Motion by Humphreys, second by Lockard, to adjourn at 8:10 PM. Motion carried unanimously. The next meeting of the Sparta Township Zoning Board of Appeals if needed will be Wednesday, December 11, 2024, at 7 PM.

Respectfully submitted,
—Toni Potes, Recording Secretary