

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, April 25, 2018 6:30 PM
TOWN HALL ROOM**

PRESENT: Members Rios, Ohlrogge, Lane, Chair Beauchine,
ABSENT: Jackson
STAFF: Mark Kieselbach, Director of Community Planning and Development and
Keith Chapman, Assistant Planner

1. CALL MEETING TO ORDER

Chair Beauchine called the meeting to order at 6:30 p.m.

2. APPROVAL OF AGENDA

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER RIOS.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. Wednesday, April 11, 2018

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, APRIL 11, 2018 AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. David E. Pierson, RE: ZBA #18-04-25-1

5. UNFINISHED BUSINESS

6. NEW BUSINESS

A. ZBA CASE NO. 18-04-25-1 (SAROKI), 3650 STALLION WAY, COMMERCE, MI 48382

DESCRIPTION: 1619 Haslett Road

TAX PARCEL: 10-430-009

ZONING DISTRICT: C-2 (Commercial)

Request to appeal the approval of Site Plan Review (SPR #18-03) to redevelop the Haslett Marathon gas station at 1619 Haslett Road.

Member Ohlrogge indicated Zoning Board of Appeals (ZBA) member Jackson was absent and it was her understanding an applicant had the right to request a postponement if a full Board was not present.

Chair Beauchine asked staff whether or not this was the situation.

Director Kieselbach stated to deny or approval any case the ZBA would need three affirmative votes; there is a quorum with four of the ZBA members present tonight.

Patrick Lennon, Attorney, Honigman Firm, 650 Trade Centre Way Ste. 200, Kalamazoo, representing Shop Town, stated due to the issues and the complex nature of the appeal his client would want the entire ZBA to address the appeal.

Township Attorney, Matthew Kuschel, Fahey & Schultz, Burzych, Rhodes, PLC Attorneys, 4151 Okemos, MI, indicated Section 86-187(1)(d) of the Ordinance states a decision shall be made by a concurring vote of the majority of the members of ZBA. He added the term "members" indicates the entire members of ZBA and not a majority of the members present. He said if the ZBA were to reach a decision tonight a unanimous vote would be required to move forward one way or another, and the four members present constitutes that majority. He replied another option is for the ZBA to hear the case, take the case under advisement without making a decision and move the process forward until further information is gathered. He concluded the other option is for the ZBA to table the case tonight until all members are present.

Chair Beauchine stated the ZBA would need to make a determination whether or not to hear the case tonight.

Mr. Lennon emphasized the importance of having all the ZBA members present to hear the case.

MEMBER OHLROGGE MOVED TO POSTPONE HEARING ZBA CASE NO. 18-0425-1 UNTIL ALL ZBA MEMBERS CAN BE PRESENT.

SECONDED BY MEMBER RIOS.

ROLE CALL TO VOTE: MOTION TO POSTPONE

YES: Members, Rios, Ohlrogge

NO: Lane and Chair Beauchine

Motion failed.

MEMBER LANE MOVED HEAR ZBA CASE NO. 18-04-25-1.

SECONDED BY CHAIR BEAUCHINE.

ROLE CALL TO VOTE: MOTION TO HEAR THE CASE

YES: Members, Lane and Chair Beauchine

NO: Member Rios and Ohlrogge

Motion failed.

MEMBER RIOS MOVED TO TABLE ZBA CASE NO. 18-04-25-1

SECONDED BY MEMBER OHRLOGGE

ROLE CALL TO VOTE: MOTION TO TABLE CASE NO. 18-04-25-1

YES: Members, Rios, Ohlrogge, Lane and Chair Beauchine

NO:

Motion carried unanimously

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

Chair Beauchine opened the floor for public remarks.

David Pierson, McClelland & Anderson Attorneys at Law, 1305 S. Washington Ave, Lansing, representative for the applicant, Robert Saroki, emphasized the importance of rescheduling sooner than later as there have been delays.

Chair Beauchine closed public remarks.

9. BOARD MEMBER COMMENTS

10. ADJOURNMENT

Meeting adjourned at 6:48 p.m.

11. POST SCRIPT - Member Lane

Respectfully Submitted,

Rebekah Kelly
Recording Secretary