

**CHARTER TOWNSHIP OF COMMERCE  
ZONING BOARD OF APPEALS  
\*\*SPECIAL\*\* EDUCATIONAL MEETING  
*Thursday, January 28, 2016*  
2009 Township Drive  
Commerce Township, Michigan 48390**

**CALL TO ORDER:** Rusty Rosman, Chairperson called the meeting to order at 6:00pm.

**ROLL CALL:** Present: Rusty Rosman, Chairperson  
Jorge Pacheco, Secretary  
Clarence Mills  
Rick Sovel  
Bill McKeever

**Also Present:** Dave Campbell, Planning Director  
Robert Mistele, Alternate ZBA Member  
Hans Rentrop, Township Attorney

Chairperson Rosman opened the educational meeting and introduced Dave Campbell. She explained that she has worked with the attorneys and it seems that the ZBA has been putting reasons for approval or denial into the motions; however, these reasons should be in the discussion portion of the minutes in order to conform with the expectations of the court. She reviewed the templates for granting a dimensional variance and then turned the meeting over to Dave and Hans.

Dave Campbell stated that he looks forward to working with the Board. He introduced Robert Mistele, the Alternate ZBA Member recently appointed by the Board. Bob will fill in on the Board during absences and in situations where there is a conflict of interest.

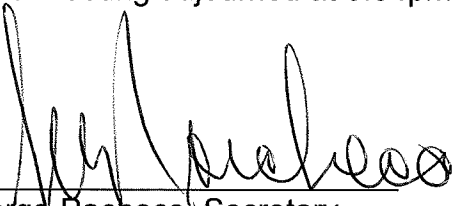
Dave reviewed the packet for the education and training meeting. He explained that discussions were held recently to address improvements that could be made in the way that the ZBA crafts their motions. By improving the way that these decisions are made and by ensuring that the findings are carefully documented, the Township may avoid costly litigation in the future. He focused on Article 41 of the Zoning Ordinance which is the Zoning Board of Appeals Article. Within this is Section 41.09 which deals with the six criteria upon which the ZBA is to base their findings on a variance decision.

Chairperson Rosman addressed recent advice from counsel to have the ZBA find that a variance request meets all six of the criteria, and not just a majority, in order to be approved for a variance. The Board discussed this recommendation with Dave and Hans. Currently this is not the requirement of the Ordinance; however, counsel advises this be amended to require full compliance with all of the criteria. Dave stated that the Planning Commission would see the proposed Zoning Ordinance amendment at the February meeting.

Jorge Pacheco inquired about the current Zoning Ordinance in relation to the six criteria. Attorney Rentrop clarified that the current Zoning Ordinance does not require all six to be met. He elaborated on the content of the criteria, counsel's recommendations and the proposed amendment.

Extensive discussion ensued. The Zoning Board of Appeals members preferred to reserve the right to consider all six criteria, yet not require that all six be met in order to grant a variance. Discussions included flexibility in decision making, precedents, case law, prior court decisions, the culture of the Township, and specific issues with some of the language within the criteria which could be fine-tuned further in the future. The Board members requested additional time to contemplate on the suggestions offered by the Township Attorney and by the Planning Director, but they collectively recommended that this amendment be placed on hold until further notice. The meeting concluded as future meeting dates were discussed.

The meeting adjourned at 6:54pm.



Jorge Pacheco, Secretary