

ZBA Policy 2008-01
Zoning Board of Appeals Procedures
Adopted by the ZBA on December 10, 2008 with motion #081210-03
Adopted by the Township Board on December 22, 2008 with motion #081222-08 -
Revised by the ZBA on January 28, 2009 with motion #090128-05
Revision approved by the Township Board on February 9, 2009 with motion #090209-07

In order to formulate the application, review and action process for the Zoning Board of Appeals (ZBA), the Township has adopted the following policy. This process will save valuable assets relating to time and financial investments both for the applicants and the Township in regard to meetings and reviews.

The ZBA normally meets the fourth Wednesday of the month unless affected by a holiday and all are regular meetings when review, discussion and action could take place. The ZBA may table or postpone discussion and/or action on any item the Board determines appropriate to require revisions or additional information, or for any other reason determined necessary.

Information, Forms, and Fees.

Information, application forms, submittal material requirements and fee schedules are available in the Building and Zoning Department at the Township Office or at the Township website at www.georgetown-mi.gov, *Building and Zoning*.

Please note that the Township requires submission of electronic files (in pdf format), along with the other required submission materials, for projection use at meetings. The electronic files can be sent by email to mminier@georgetown-mi.gov.

Deadline for application submission.

The submittal deadline for applications to be placed on a ZBA agenda is normally noon **four weeks prior to a ZBA meeting.**

If application materials are submitted with **substantial**, necessary or required information missing, incorrect or not in compliance with the Zoning Ordinance, the ZBA normally would postpone review and action on the application until such time as the missing or incorrect material is addressed and submitted to the Township. In such instances when action on an application is tabled or postponed to another ZBA meeting, either the meeting date will be announced when the application will be reviewed again by the ZBA or else the application could be tabled or postponed until such time as the notice is published again and property notices sent as per State law. The Pre-Application Meeting helps to eliminate such a possibility with a review by the Township zoning administrator prior to the application submission.

If no applications have been submitted to the Township by noon on a deadline date, the corresponding ZBA meeting may be cancelled by the zoning administrator. Such notice will be posted on the Township website and on the bulletin board in the lobby of the Township Office.

Pre-Application Meeting.

A pre-application meeting with the zoning administrator and the applicant **is required prior to application submission**. The pre-application meeting **must be scheduled** with Township staff by calling the Building and Zoning Department at 616-457-2690. This meeting **must be scheduled and held at least five business days prior to the submission deadline for a particular meeting agenda** (or as scheduled by Township staff). Failure to attend a pre-application meeting could result in the application being withheld from a ZBA agenda.

The cost for a pre-application meeting is established by the Township Board and can be applied toward the application fee of the particular application being reviewed if the particular application is submitted to the Township within two months of the Pre-Application Meeting. Alternately, the complete application fee could be submitted at the time of the pre-application meeting.

The purpose of the Pre-Application Meeting is for a **complete or nearly complete** proposal and/or plan to be reviewed by the zoning administrator with the applicant present to determine if all the necessary and required elements are provided on a plan and in the application, and that all submittal requirements are fulfilled. The proposed plan would also be initially reviewed for compliance with Township Zoning Ordinance requirements. If necessary, the Township zoning administrator could schedule the attendance of other Township representatives at the Pre-Application Meeting such as the planner, Fire Chief or Director of the Department of Public Works.

Attendance at a Pre-Application Meeting does not guarantee approval for a proposal; rather it helps to ensure that the application has all of the necessary elements and submittal materials for review by the ZBA.

Since the Open Meetings Act (Public Act No. 267 of 1976, as amended) requires that all deliberations towards decisions, as well as decisions, are to be made at meetings that are open to the public rather than private meetings between applicants and members of a public body (Boards and Commissions), no decisions nor deliberations towards decisions would be made at any time other than at a public meeting.

SOPS Township Procedures for ZBA Applications

The following are procedures for applications for variance requests, appeals, interpretations, or any other applications that come before the ZBA.

1. When a potential applicant contacts the Township Office, information is supplied regarding meeting deadlines, meeting dates, submittal materials, pre-application meeting requirements, and fees and forms. This information can be obtained at the Township website or at the Township Office.
2. When a petitioner plans to submit an application, a pre-application meeting is scheduled and held at least five business days prior to the submission deadline with the zoning

- administrator and petitioner present. The complete or nearly complete application, plan and proposal is reviewed for completeness of submittal materials and preliminarily for compliance with Zoning Ordinance requirements and any applicable general ordinances. A fee as established by the Township Board is charged and can be applied towards an application fee amount if the application is submitted within a two month period of the date of the pre-application meeting. Alternately, the complete application fee amount could be paid at this time without the payment of the separate pre-application meeting fee. The petitioner should use the information provided at the pre-application meeting to revise the plan and/or submittal material prior to the formal application submission.
3. At the time a formal application is submitted (including a signed application, fee as established by the Township Board, eight copies of a site plan and any other relevant information), the materials are reviewed by the zoning administrator for completeness and the application is placed on the ZBA agenda for the next regular meeting. If substantial or required elements are missing or incorrect, the zoning administrator would recommend to the ZBA to postpone review and action on the application until such time as the missing or incorrect elements are addressed. Either the meeting date will be announced when the application will be reviewed again by the ZBA or else the item could be tabled or postponed until such time as the notice is published again and property notices sent as per State law. An application would not be added to the ZBA agenda until the pre-application meeting has been held.
 4. Notices for any required public hearings would be according to the requirements of State Law.
 5. The zoning administrator conducts a formal review of each application that has been submitted by the deadline, has been determined to be sufficiently complete and correct, and for which a pre-application meeting was held. The application materials are reviewed for compliance with requirements of the Zoning Ordinance and applicable general ordinances. The zoning administrator may contact the planning consultant with questions regarding any application, site plan or complicated detailed proposal in order to incorporate additional information into the review. Only those applications with questions or detailed complicated plans would be forwarded to the planner for a review. The planner would present a review to the zoning administrator of those specifically requested plans and the information would be incorporated into the formal review provided to the ZBA by the zoning administrator.
 6. The formal review compiled by the zoning administrator would provide information as to whether Zoning Ordinance and applicable general ordinance requirements have been met. In addition, information regarding past history, current circumstances and any other relevant material would be incorporated into the review.
 7. The agenda and the formal review compiled by the zoning administrator (along with submittal materials) would be forwarded to the ZBA prior to the meeting (agendas and minutes by email and paper copies of site plan via US mail). Members who have

questions or would like additional information prior to the meeting could contact the zoning administrator.

8. At the ZBA meeting, the zoning administrator would present the formal review with any additional information that had been requested. If requested, the zoning administrator would provide recommendations with options for motions, including possible conditions. However, the intent is for the ZBA to have the responsibility to deliberate the actions and to take the action they deem appropriate, after being provided with all pertinent information (specifically if ordinance requirements are met) and considering the request.
9. If an applicant requests withdrawal of an application, the procedure would be the same as for any application such that if the ZBA has the responsibility to take action, the board would act upon the request.
10. In instances when an application is tabled or postponed, either the meeting date will be announced when the application will be reviewed again by the ZBA or else the item could be tabled or postponed until such time as the notice is published again and property notices sent as per State law.