

Onekama Township Zoning Board of Appeals

June 3, 2021—Public Hearing: Continuance of Cook Variance Request

6:00p—Onekama Township Hall

Meeting called to order at 6:02p by Vice Chair Pomaranski, chairing the meeting tonight in Chair Trout's absence.

In attendance: Vice Chair Pomaranski, Member Judy Spohn, Alternate Dave Wallace, Katie Mehl—Manistee County Planning & Zoning Department

Vice Chair Pomaranski addresses the planned purpose and agenda of the meeting, both of which will not progress as planned. Vice Chair Pomaranski stated there would be a meeting tonight, but not the public hearing continuance as was planned.

Because of a last minute agreement between Tom Grier, attorney for the Onekama Township, and Richard Wilson, attorney for the Cook family, Mr. Grier via email message to Vice Chair Pomaranski directed the Zoning Board of Appeals to cancel tonight's meeting and reschedule at a later date. As the ZBA had already scheduled tonight's meeting by a unanimously passed motion in the first variance hearing on May 24, 2021, the meeting cannot be legally cancelled, and the ZBA is the only entity with the authority to change the content of a meeting already scheduled.

Vice Chair Pomaranski also addressed the problem of asking for an open-ended continuance with no end date specified. He led discussion among the ZBA members regarding a proposed two week deadline for the applicants' on this case, at which time they must either continue with the existing case or permanently withdraw it. If nothing is received by Katie Mehl at the end of the two week period then Katie will permanently withdraw the case.

Vice Chair Pomaranski reported that Mr. Grier stated that after further discussion Mr. Wilson was willing to accept a three week deadline, at the end of which if the applicants were not ready to move forward he would withdraw the existing case as is.

Member Spohn asked if there is anything in the Ordinance Book that stipulates a legal time limit regarding bringing the case to completion. Katie Mehl stated she thinks something like that would fall under the Zoning Enabling Act rather than township ordinances. The Zoning Enabling Act states that the Board must set an end date that allows for a "reasonable amount of time", which is an arbitrary decision.

Motion to allow the applicants three weeks (until June 24, 2021) to come to the ZBA with a proposal or, if no contact is made to Katie, the application will be withdrawn by Alternate Wallace, 2nd by Member Spohn.

Discussion: Vice Chair Pomaranski directed Katie Mehl not to bring cases to the ZBA in the future for properties that the applicant(s) don't own.

Motion carries 3-0.

Approval of the minutes from May 24th will be done at 9:00a on Wednesday, June 9 along with the minutes from tonight's meeting. They will then be posted along with all relevant exhibits.

Old business—none

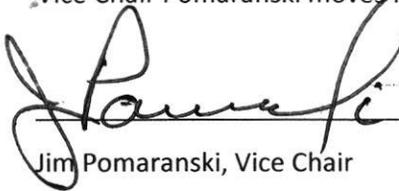
Public comment--

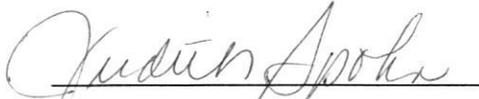
--Question regarding the timeline. Should the original case be denied, applicants must wait one year before submitting a new variance application. Should the applicants withdraw the original application, they can resubmit a revised application at any time.

--Thank you to the Board for being such a strong force for the community. Vice Chair Pomaranski offers thanks to Katie Mehl and her office in Manistee for all their assistance.

--Alternate Wallace offers clarification of the applicant's property ownership, along with the platted Avenue A which is not owned by the applicants.

Vice Chair Pomaranski moves for adjournment at 6:31p.

 P.E. 6/9/21
Jim Pomaranski, Vice Chair

 6-9-21
Judy Spohn, Member

 6/9/2021
Dave Wallace, Alternate

Submitted by:

Michelle Swanson, Recording Secretary