



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

JULY 21, 2016

AGENDA

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

ATTENTION APPLICANT:

In order to prove you are entitled to a variance, you should be prepared to show how your property meets the conditions listed:

1. The difficulty must be unique to your property and not generally shared by others in the same zoning district, and would constitute a hardship.
1. The variance will not adversely affect the public health, safety and welfare, or be contrary to the spirit and intent of the Ordinance.

The burden of demonstrating that the above conditions exist on your property falls on you, the applicant. The Zoning Board of Appeals will not argue or present your case for you.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jun 16, 2016 5:00 PM

E. VARIANCE

1. ZBA #16-11

By: Jeff Sherbino & Neil Martz
1441 Allen St.
Burton, MI 48529

Re: 3361 S. Center Rd. Burton, MI 48519
59-27-551-012, C-2 Zoned

For: To keep an accessory structure once the principal structure is demolished.

2. ZBA #16-13

By: Rommel Aquino
6175 Lapeer Rd
Burton, MI 48509

Re: 6175 Lapeer Rd Burton, MI 48509
59-13-502-162, C-1 Zoned

For: To delay the installation of sidewalks
until the adjoining properties are
required to install sidewalks

3. ZBA #16-14

By: Kurt Neiswender – Good Shepard Lutheran Church
5496 Lippincott Burton, MI 48519

Re: 5496 Lippincott Burton, MI 48519
59-23-200-031, R-1C Zoned

For: To not install required sidewalks along the Belsay Road and the Lippincott
frontage due to the addition.

F. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton Zoning Board of Appeals. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

G. BOARD DISCUSSION

1. Approve and Authorize the adoption of the City of Burton Zoning Board of Appeals bylaws and rules of procedure.

The next regularly scheduled meeting will be held on Thursday, August 18, 2016, at 5:00 p.m.



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

JUNE 16, 2016

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Council Representative	Excused	
Terry Parker	Commissioner	Present	
Scott Hynes	Commissioner	Present	
Bobbie Weatherford	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Excused	
Michaeline Ward-Terry	Commissioner	Present	
Donald Standel	Board Member	Excused	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning

Marcy Kimball, Records Tech

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 19, 2016 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Terry Parker, Commissioner
AYES:	Parker, Hynes, Weatherford, Welch, Rapacz, Ward-Terry
EXCUSED:	Haskins, Walton, Standel

E. VARIANCE

1. ZBA #16-10

By: Bob Denam / Denam Auto
4510 S. Dort Hwy.
Burton, MI 48529

Re: 4510 S. Dort Hwy. Burton, MI 48529
59-32-400-038, C-3 Zoned

For: To delay installing sidewalk along Maple Road until the adjoining property is required to install sidewalk.

Chuck Sekrenes, representative for Bob Denam, stated along Maple road there are no other sidewalks around to be able to attach this sidewalk to. It would be a sidewalk to nowhere. Mr. Denam would like to postpone putting in a sidewalk until you require everyone to do it.

Mrs. Abbey said last month they came before the Planning Commission for approval to build a pole barn on the property. This was approved contingent upon the sidewalk application to you. We do recommend approval with the stipulation that if other property owners are required to put in the sidewalk, they will have to as well.

Motion to approve the delay of installing a sidewalk along Maple Road until the adjoining property is required to install a sidewalk also.

RESULT:	CARRIED [5 TO 1]
MOVER:	Terry Parker, Scott Hynes
SECONDER:	Bobbie Weatherford, Commissioner
AYES:	Parker, Hynes, Weatherford, Welch, Ward-Terry
NAYS:	Rapacz
EXCUSED:	Haskins, Walton, Standel

2. ZBA #16-11

By: Jeff Sherbino & Neil Martz
1441 Allen St.
Burton, MI 48529

Re: 3361 S. Center Rd. Burton, MI 48519
59-27-551-012, C-2 Zoned

For: To keep an accessory structure once the principal structure is demolished.

Applicant postponed until July 21, 2016 @ 5:00 PM.

3. ZBA #16-12

By: George Veilleux
6288 Court St.
Burton, MI 48509

Re: 6288 Court St. Burton, MI 48509
59-13-200-015, R-1B Zoned

For: To construct a 30' x 48' accessory structure that will exceed the allowable structure footage by 1392 sq ft.

Mr. Veilleaux of Burton stated I have a trailer he would like to store. I own 7 acres and this structure would not be visible to neighbors other than the one on the west side of me. I have improved my property by over 100 percent since I have owned it. This structure is made out of steel.

Mrs. Abbey stated Mr. Veilleaux does have a large property of land. There are already several accessory structures on his property. The square footage allowed for those parcels of land is shared by everybody in the neighborhood. Administration has no choice but to recommend denial. When the administration makes a recommendation it is based on the ordinance. This type of restriction, as far as structures go, is shared with everyone in the City. There is no unique hardship here. The ordinance states one acre and above, it does not take into consideration that he has 7 acres of land.

Mr. Parker said if we give a variance to someone today, what happens 20 years from now when someone wants to run a business out of it. On the other hand, for someone with this much land, a structure would look better than a bunch of stuff sitting outside.

Mrs. Ward-Terry suggested adding a stipulation that he will not be running a business out of it, if we choose to allow it.

Mrs. Abbey stated this is already an ordinance in place that does not allow a business to be run out of a pole barn on residential property.

Mr. Welch said his only concern it that he is asking for 1400 feet over the allowable limit.

Mr. Hynes asked if he would be willing to reduce the size of the building.

Mr. Veilleux stated yes, he could reduce the size of the barn.

Mrs. Abbey told Mr. Veilleux that if he removed any structures, whatever the square footage was of what was removed could be added to that new structure.

Motion to amend the ZBA #16-12 to construct a structure that will exceed the allow structure footage by 852 square foot.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Terry Parker, Commissioner
AYES:	Parker, Hynes, Weatherford, Welch, Rapacz, Ward-Terry
EXCUSED:	Haskins, Walton, Standel

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr. Hynes asked about Milissa Poisson of 3438 Camden in Burton, who put up the recreational vehicle in her driveway due to a fire in her home.

Mrs. Abbey stated she came in and got her demo permit. She is going to stay in the trailer until the house is completely demolished. She has until December to be out.

Mr. Welch asked about the work coming to a halt at the old Dr's office on Lapeer Rd.

Mrs. Abbey said she would check into this and let you know.

Mr. Parker said there is a house on Atherton Road, between Howe and Meadowcroft that has a tarp on the roof.

Mrs. Abbey stated she has a demolition hearing scheduled for next week. The County has the property now. They have allowed us to demolish it with their approval. If a house is tagged unoccupiable there is nothing the City can do unless the house becomes structurally not sound.

Mr. Rapacz asked when the meeting for the new By-Laws will be.

Mrs. Abbey stated I can put this in your agenda packet for the next meeting. The City Attorney has already reviewed and approved them. You can still make changes if needed.

The next regularly scheduled meeting will be held on Thursday July 21, 2016, at 5:00 p.m.

Meeting was adjourned at 5:48 PM.



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 2527)

Meeting: 07/21/16 05:00 PM

Department: Clerk's Office

Category: Variance

Prepared By: Teresa M. Karsney

Department Head: Teresa M. Karsney

E.1

DOC ID: 2527

ZBA #16-11

By: Jeff Sherbino & Neil Martz
1441 Allen St.
Burton, MI 48529

Re: 3361 S. Center Rd. Burton, MI 48519
59-27-551-012, C-2 Zoned

For: To keep an accessory structure once the principal structure is demolished.

ATTACHMENTS:

- Back up 16-11 (PDF)



City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

Date Filed: 5-2-16
Fee Paid: 250.00
Receipt #: _____
Check #: 2362
Received by: AK
Date Mailed: 5-31-16

ZBA Case #: 16-11 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: June 16, 2016 AT 5:00 P.M.

APPLICANTS NAME: JEFF SHERBINO & NEIL MARTZ

APPLICANTS ADDRESS: 1441 ALLEN ST

CITY: BURTON MI 48529

APPLICANTS PHONE: 810-969-3133

ADDRESS AND PARCEL OR LOT NUMBER: 3361 S. CENTER RD

N 1/2 OF LOT 10 EXCEPT E 132 FT SCHRAM ACRES 59-27-551-012

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: TO keep an accessory structure
once the principal structure is demolished.

APPLICANTS SIGNATURE: Jeff Sherbino Neil Martz

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

HOUSE NEEDS TO BE REMOVED OR DEMOLISHED BUT
POLE BARN IS IN GREAT PHYSICAL CONDITION. BY REMOVING
HOUSE PLACES POLE BUILDING ON A COMMERCIAL LOT WITHOUT
A HOUSE OR PRIMARY STRUCTURE.

BURTON





Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 2540)

Meeting: 07/21/16 05:00 PM

Department: Department of Public Works

Category: Variance

Prepared By: Amber Abbey

Department Head: Robert Slattery

E.2

DOC ID: 2540

ZBA #16-13

By: Rommel Aquino
6175 Lapeer Rd
Burton, MI 48509

Re: 6175 Lapeer Rd Burton, MI 48509
59-13-502-162, C-1 Zoned

For: To delay the installation of sidewalks until the adjoining properties are required to install sidewalks

ATTACHMENTS:

- Back up 16-13 (PDF)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 6-17-16
 Fee Paid: \$ 450.00
 Receipt #: _____
 Check #: 28385
 Received by: AA
 Date Mailed: 6-28-16

ZBA Case #: 16-13 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: July 21 AT 5 P.M.

APPLICANTS NAME: ROMMEL AQUINO

APPLICANTS ADDRESS: 6175 LAPEER RD

CITY: BURTON MI 48509

APPLICANTS PHONE: (810) 348-2674

ADDRESS AND PARCEL OR LOT NUMBER: ~~SAME~~ 6175 Lapeer Rd
59-13-502-162, C-1 zone.

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: not to install sidewalk until any
adjoining properties are developed + installed
sidewalk

APPLICANTS SIGNATURE: _____

[Signature] 6/9/16

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

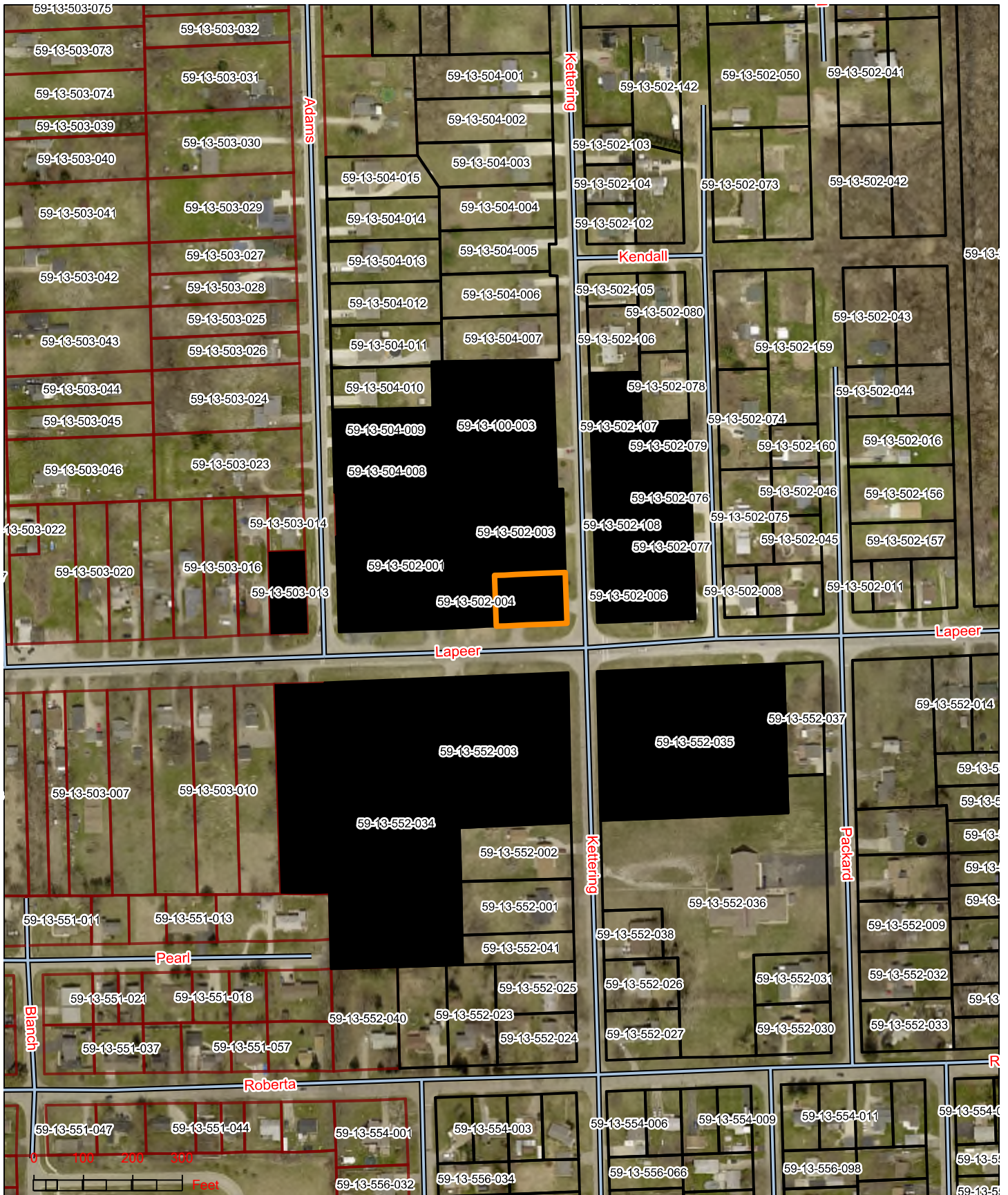
APPLICANT: Please explain your hardship or reason this variance is needed.

No sidewalks along Lapeer road in the area

Attachment: Back up 16-13 (2540 : ZBA #16-13)

BURTON

E.2.a



Attachment: Back up 16-13 (2540 : ZBA #16-13)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 2541)

Meeting: 07/21/16 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Amber Abbey
Department Head: Robert Slattery

E.3

DOC ID: 2541

ZBA #16-14

By: Kurt Neiswender – Good Shepard Lutheran Church
5496 Lippincott Burton, MI 48519

Re: 5496 Lippincott Burton, MI 48519
59-23-200-031, R-1C Zoned

For: To not install required sidewalks along the Belsay Road and the Lippincott frontage due to the addition.

ATTACHMENTS:

- Back up 16-14 (PDF)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 6-27-16
 Fee Paid: 450.00
 Receipt #: _____
 Check #: 91725
 Received by: SS
 Date Mailed: 6-28-16

ZBA Case #: 16-14 4 Votes Required

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

PLEASE PRINT

DATE OF ZONING BOARD OF APPEALS HEARING: July 21st, 2016 AT 5:00 P.M.

APPLICANTS NAME: KURT NEISWENDER, CHURCH SECRETARY

6000 GILBERT RD LUTHERAN CHURCH
 APPLICANTS ADDRESS: 5496 LIPPINCOTT, BLVD, BURTON

CITY: BURTON, MI

APPLICANTS PHONE: 810 288-4991

ADDRESS AND PARCEL OR LOT NUMBER: 59-23-200-031
5496 Lippincott

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: REQUESTING PERMISSION TO NOT INCLUDE
PROPERTY PERIMETER SIDEWALKS AS PART OF PLANNED PATHWAY
RENOVATION. PROPOSED PATHWAY TO INCLUDE 500 ADDITIONAL
GLIMREFOOT TO BUILDING.

APPLICANTS SIGNATURE: [Signature]

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

APPLICANT: Please explain your hardship or reason this variance is needed.

SEE ATTACHED LETTER. AND

Attachment: Back up 16-14 (2541 : ZBA #16-14)

June 26, 2016

RE: School Entrance and Bathroom Renovation Project

Dear Members of Good Shepherd:

As many of you know, we have been prayerfully planning a renovation project of our school's main entrance and bathrooms to begin in June of 2017. I am writing to you today to inform you that the School Renovation Committee is now proposing that the renovation project be pushed up with a start date for the project in early September 2016. There are several reasons for this proposed change in planning and they are outlined below:

- The school bathrooms have been in poor repair for some time now and they have continued to become worse.
- Due to the manner in which the plumbing in the bathrooms was set up many years ago, attempts to replace toilets and to perform temporary repairs could result in major, irreparable damage to the plumbing.
- If toilets could be successfully replaced, they may still be dysfunctional if the underlying plumbing needs to be replaced.
- At present, the girls bathroom has 1 functional toilet and the boys bathroom has 1 functional toilet and 2 functional urinals
- The limited number of functional toilets will not meet the needs of our school for the 2016-2017 school year

Due to these problems, the School Renovation Committee has proposed that we move forward with the renovation project now in order to provide us with improved, functioning facilities. The building plans for the project along with funding options through LACE will be presented to the Church Council on July 7th and will be recommended to the voters for approval at the Voters Meeting on July 24th. If the voters approve the project as presented, we will move forward with taking bids from general contractors. We plan to have a general contractor hired and a signed contract for the project by August 31, 2016. We hope to have the project underway in mid-September and to see the project fully completed by November 30th, 2016.

While we have made significant progress toward our financial goal to fund the project, additional gifts are still needed. Please prayerfully consider supporting this project with your continued gifts to the "Building Fund."

If you have any questions, please feel free to see me after worship, call me at 989-751-6208, or email me at matt.schroeder70@gmail.com.

In the Service of Christ,

Matt Schroeder, Chairman—School Renovation Committee

Attachment: Back up 16-14 (2541 : ZBA #16-14)

BURTON

E.3.a



Attachment: Back up 16-14 (2541 : ZBA #16-14)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 2557)

Meeting: 07/21/16 05:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Robert Slattery

G.1

DOC ID: 2557

Approve and Authorize the adoption of the City of Burton Zoning Board of Appeals bylaws and rules of procedure.

ATTACHMENTS:

- BYLAWS ZBA(PDF)

**BYLAWS
CITY OF BURTON
ZONING BOARD OF APPEALS**

The following rules of procedure are hereby adopted by the City of Burton Zoning Board of Appeals to facilitate the performance of its duties as outlined in the City of Burton Zoning Ordinance and the Michigan Zoning Enabling Act of 2006.

SECTION 1 OFFICERS

A. Selection and Tenure

At the first regular meeting in January of each year, the Zoning Board of Appeals shall select from its membership a Chairperson and Vice-Chairperson. All officers shall serve a term of one (1) year, or until their successors are selected and assume office, except as noted in B, below. All officers shall be eligible for reelection for consecutive terms for the same office. The City Clerk will choose board Secretary.

B. Duties

The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Zoning Board of Appeals or City Council.

The Vice-Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of Vice-Chairperson for the unexpired term.

The Secretary shall execute documents in the name of the Zoning Board of Appeals, perform the duties hereinafter listed in C, below, and shall perform such other duties as the Zoning Board of Appeals may determine. The Secretary will be the designated employee from the City of Burton Clerk's office.

C. Secretary

1. Minutes – The Secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records. The minutes shall be prepared by the Recording Secretary of the Clerk's office or designee. 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. The minutes of a public hearing shall include an identification of each member of the public who spoke and a summary of their comments. All communications, actions,

and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk when they become available

2. Correspondence – The Secretary shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Zoning Board of Appeals. All communications, petitions, reports, or other written materials received by the Secretary shall be brought to the attention of the Zoning Board of Appeals.
3. Attendance – The Secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals for inclusion in the Annual Report to the City Council.
4. Notices – The Secretary shall ensure that such notices as may be required by the Zoning Board of Appeals are issued by the City of Burton.

D. Board of Appeals Representative

The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

SECTION 2 MEETINGS

- A. Regular meetings of the Zoning Board of Appeals shall be held the third Thursday of each month or as noted below. The Zoning Administrator may, at his discretion, schedule additional meetings for the first Thursday of each month. All meetings shall take place at the City Hall of the City of Burton at 5:00 p.m.
- B. Meetings shall be noticed in accordance with the requirements of the Zoning Ordinance. Meeting notices shall state the purpose, time, and location of meetings and shall be posted in accordance with the Open Meetings Act.
- C. All meetings, minutes, records, documents, correspondence, and other materials of the Zoning Board of Appeals shall be open to public inspection, except as may otherwise be provided by law.
- D. Quorum – A majority of the membership of the Board shall constitute a quorum for the transaction of business and the taking of official action for all matters. In order to pass any variance, appeal, or other official action required by the Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Board shall be

required, except that in a case of a use variance, approval shall be granted only when 2/3 of the total membership of the Board vote in favor of the application.

E. Agenda – The Chairperson shall be responsible for preparing an agenda for Zoning Board of Appeals meetings; the order of business for meetings shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
4. Variances / Public Hearings
5. Other Business
6. Public Comments and Communications Concerning Items Not on the Agenda.
Each Speaker Will Be Limited To 5 Minutes.
7. Board Discussion

F. Public Hearings

1. The following rules of procedure shall apply to Public Hearings held by the Zoning Board of Appeals:
 - a. Chairperson opens public hearing and announces subject.
 - b. Chairperson summarizes procedure/rules to be followed during the hearing.
 - c. Applicant presents request.
 - d. Persons wishing to comment on the request are recognized.
 - e. Chairperson closes public hearing.
 - f. Information from Zoning Administrator or DPW representative.
 - g. Zoning Board of Appeals deliberation and decision.
2. To ensure that everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted such time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

3. All comments by the public and members of the Zoning Board of Appeals shall be directed to the Chairperson.
- G. Special Meetings – Applicants to the Board of Appeals may request a Special Meeting, all costs of which shall be paid by the applicant; or if more than one applicant, the costs shall be shared equally between all applicants. Special Meetings shall also be noticed as required by the Open Meetings Act, as amended, and these by-laws.

SECTION 3 DUTIES OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the Zoning Ordinance and the Zoning Enabling Act.
- B. Prepare an annual Budget for the City Council.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the City Council.
- D. Perform other duties and responsibilities as may be requested by the City Council.
- E. Members of the Zoning Board of Appeals may conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually.

SECTION 4 DUTIES OF ZONING ADMINISTRATOR

- A. The Zoning Administrator shall assist the Zoning Board of Appeals in the performance of the duties of the Zoning Board of Appeals, as noted in Section 3.
- B. The Zoning Administrator shall be responsible for the professional and administrative work in coordinating the functions of the Zoning Board of Appeals.
- C. The Zoning Administrator shall:
 1. Supervise and review the work of the City staff as it relates to the Zoning Board of Appeals.
 2. Accept applications for matters to be reviewed by the Zoning Board of Appeals and ensure that such applications are complete.

3. Forward application materials to the Zoning board of Appeals at least one (1) week prior to the meeting at which such matters will be considered.
 4. Inform the Zoning Board of Appeals of administrative and enforcement actions taken on behalf of the City related to the Zoning Ordinance, or other appropriate Ordinance.
- D. Other professional or City Staff as needed, including the Building Inspector, City Attorney, City Engineer, Planning Consultant or other person or agency may assist the Zoning Board of Appeals.

SECTION 5 ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES AND ALTERNATES

- A. In order to be excused, members of the Zoning Board of Appeals shall notify the Zoning Board of Appeals Chairperson, Zoning Administrator, or Clerk's office when they intend to be absent from the following meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members of the Zoning Board of Appeals may be removed by the City Council, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest. For purposes of this Section, nonperformance of duty shall mean three (3) or more consecutive, unexcused absences.
- C. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the President of the City Council, or Zoning Board of Appeals Chairperson.
- D. Vacancies shall be filled by the City Council, within one (1) month of resignation or removal of a member of the Zoning Board of Appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission Representative, whose term shall run consecutively with the term as Planning Commissioner.
- E. The City Council may appoint not more than two (2) alternates to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member as provided in the Zoning Ordinance and Zoning Enabling Act.

SECTION 6 CONFLICT OF INTEREST

- A. Zoning Board of Appeals members shall declare a Conflict of Interest when:

1. a relative or other family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision;
 2. the Zoning Board of Appeals member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association;
 3. the Zoning Board of Appeals member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance, and when;
 4. there is reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
- B. The Members of the Zoning Board of Appeals will decide by a vote of a majority of the Board on the conflict status of the member declaring a conflict.
- C. When declaring a conflict, the Zoning Board of Appeals member shall:
1. Announce a conflict of interest and state its general nature.
 2. Abstain from any discussion or votes relative to the matter that is the subject of conflict.
 3. Excuse them self from the meeting and allow the alternate to take their place.

SECTION 7 AMENDMENTS

These by-laws may be amended at any meeting by a vote of a majority of the membership of the Zoning Board of Appeals.

These By-Laws and Rules of Procedures are adopted on this July 21, 2016 by
The City of Burton Zoning Board of Appeals

Paula Zelenko, Mayor

Date

Teresa Karsney, Clerk

Date