

Zoning Board of Appeals

Case Reviews: Both the number of meetings and cases reviewed increased in 2012 when compared to the previous two years.

However, this is still a vast reduction from the typical case load of 2009 and prior. This is more than likely due to two conditions: 1) an overall reduction in the amount of planning, zoning and building reviews; and 2) improvements to the Zoning Ordinance adopted by the Township Board (with input from the Planning Commission and ZBA) addressing matters that were commonly appealed to the ZBA.

The table below is an overview of the cases decided by the ZBA in 2012:

Case #	Location	Request	Action	Meeting Date
12-001	21527 Parke Lane	Encroachment into the required front yard for a residential addition	Approved	May 22 nd
12-002	19445 Lighthouse Pointe	Appeal of decision to approve proposed residence for subject site by owners of 19297 Parke Lane	Denied	October 23 rd
12-003	28425 Swan Island	Encroachment into the required front yard for a residential addition	Approved	August 28 th
12-004	22565 West River	Encroachment into the required separation between principal buildings for the construction of a new residence	Approved	September 25 th
12-005	West Shore Golf and Country Club	Reduction in the minimum required lot area and encroachment into the required parking setback for a pending lot split application by the Grosse Ile Rowing Club	Approved	October 23 rd
12-006	8970 Macomb Street	Expansion of a nonconforming commercial/office building	Approved	October 23 rd

Decision Making: Properly executed fact-finding, motion making, and voting ensure that the public record is made accurately and consistently. After all is said during the public hearing, ZBA members must separate facts from opinions and use the facts to determine if a practical difficulty exists in accordance with the Township Zoning Ordinance, Michigan statute and case law. Sound decision making ensures that applicants are treated equally and the public record is sufficient to explain their actions.

The public record is also very important, as ZBA decisions can only be appealed to Circuit Court. If a ZBA decision is appealed, the Court relies on the public record kept by the Township to determine if the decision:

- Complies with Michigan’s constitution and laws;
- Is based upon proper procedure;
- Is supported by competent material and substantial evidence on the record; and
- Represents the reasonable exercise of discretion granted by law to the board of appeals.