

**AGENDA  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, OCTOBER 16, 2024  
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Commissioners: Gilbert, Hicks, Packer, Smith, Wyatt.  
Alternates: Brill, Melen
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**

	<b>Page</b>
A. Resolutions	<b>02</b>
B. Virtual Meeting Instructions & Policy	<b>03</b>
C. Minutes of September 18, 2024	<b>08</b>
D. Meeting Staff Letter	<b>11</b>
- 7. MEETING OPENED TO THE PUBLIC:**
- 8. VARIANCE APPLICATION:**

None.
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. ADJOURNMENT:**

**RESOLUTIONS  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, OCTOBER 16, 2024  
6:00 P.M.**

**Resolution No. 241016-01**

**Approval of Agenda**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves the agenda for the October 16, 2024 ZBA meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 241016-02**

**Approval of Minutes**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves the minutes for the September 18, 2024 ZBA meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 241016-03**

**Approval of Adjournment**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals adjourns the October 16, 2024 Zoning Board of Appeals meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**CITY OF SWARTZ CREEK  
VIRTUAL ZONING BOARD OF APPEALS MEETING  
ACCESS INSTRUCTIONS  
TUESDAY, OCTOBER 16, 2024 7:00 P.M.**

The ZBA meeting of October 16, 2024 will commence at 6:00 p.m. This meeting will be conducted in-person and virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 and rules promulgated by the Michigan Department of Health and Human Services.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft, 810-429-2766 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Zoning Board of Appeals

Time: October 16, 2024 06:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83096401128>

**Meeting ID: 830 9640 1128**

**One tap mobile**

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

**Dial by your location**

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

**Meeting ID: 830 9640 1128**

Find your local number: <https://us02web.zoom.us/j/83096401128>

**If you have any further questions or concern, please contact 810-429-2766 or email [rkraft@cityofswartzcreek.org](mailto:rkraft@cityofswartzcreek.org). A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

**CITY OF SWARTZ CREEK  
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing \*9 on their phone.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF BOARD OR Commission**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE ZONING BOARD OF APPEALS  
SEPTEMBER 18, 2024**

The Regular Meeting was called to order at 6:00 pm by Chair Packer in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board members Present: Wyatt, Packer, Gilbert, Smith, Hicks.

Alternates Present: Brill, Melen.

Board members Absent None.

Staff Present: Adam Zettel.

Others Present: James Barclay, Dennis Martineau, Connie Barron, Kent Wallace-attorney

**APPROVAL OF AGENDA**

**Resolution No. 240918-01**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Agenda of the Regular Board Meeting of September 18, 2024 as printed.

Unanimous Voice Vote  
Motion declared carried

**APPROVAL OF MINUTES:**

**Resolution No. 240918-02**

**(Carried)**

Motion by Board Member Wyatt  
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Minutes of the Regular Board Meeting April 17, 2024 to be approved.

Unanimous Voice Vote  
Motion declared carried

**Meeting Open To The Public:** No comments.



**Variance Application: 8040 Maple Street**

- A. 8040 Maple Street: PID 58-302-530-002; Accessory Dwelling Unit request for unit greater than 600 sf and request to separate electrical utilities into two meters.

Connie Barron has a property at 8040 Maple St, which was being used as two units since before she purchased it. She would like a variance and two electrical meters. Water and gas would stay on one meter.

Adam Zettel reviewed the process of the ZBA. The ZBA board deliberated at length.

**PUBLIC HEARING:**

Public Hearing Opened: 6:16PM

Jim Barclay: He has never noticed a problem with that house.

Public Hearing closed: 6:17pm

**Resolution No. 240918-03**

**(Carried)**

Motion by Board Member Smith, seconded by Board Member Wyatt, the Swartz Creek Zoning Board of Appeals makes the following findings in relation to the variance application for 8040 Maple street:

1. The home is unique due to its relatively large size in the neighborhood, with seven bedrooms.
2. It would be a hardship to use the current configuration for single family use or to otherwise remodel it.
3. There were no negative comments from the public.
4. The two family situation has been found to function well in the past.
5. Separate electric utilities would make the living situation more efficient and less problematic for users.
- 6.

Yes: Gilbert, Smith, Hicks, Wyatt, Packer.

No: None. Motion declared carried

**8040 Maple Street Variance Decision**

**(Carried)**

**Resolution No. 240918-04**

Motion by Board member Smith, support by Board member Wyatt, the Swartz Creek Zoning Board of Appeals approves the variance as applied for at the site known as 8040 Maple Street.

Discussion ensued.

Yes: Gilbert, Smith, Hicks, Wyatt, Packer.

No: None. Motion declared carried.

**OTHER BUSINESS:** None.

**Meeting Open To The Public:** None.

**Adjourn**

**Resolution No. 240918-05**

**(Carried)**

Motion by Board Member Gilbert  
Second by Board Member Hicks

**I Move** the Swartz Creek Zoning Board of Appeals adjourns the September 18, 2024 ZBA meeting.

Unanimous Voice Vote  
Motion declared carried

The meeting adjourned at approximately 6:38 p.m.

---

Ronald Smith  
Secretary



Where Friendships Last Forever

Adam Zettel, AICP  
City Manager  
[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

---

Date: October 7, 2024

To: Zoning Board of Appeals Commissioners  
From: Adam Zettel, AICP  
Subject: October 16, 2024 ZBA Meeting

Hello everyone,

**The Zoning Board of Appeals shall convene at 6:00pm on Wednesday, October 16, 2024 in the city council chambers. This will be an in-person meeting for ZBA members.** The meeting will also be available to the public via Zoom. The instructions are attached.

We are meeting exclusively to approve the minutes from the September meeting. Though a decision was signed and delivered to the petitioner, a formal record of the meeting in the form of minutes is still required. Since we meet so infrequently, I believe it is best to visit this matter while it is fresh in our mind. So, please review the minutes prior to the meeting and let me know if you have any questions or spot any errors. We should be in and out in about fifteen minutes.

I am still waiting on a potential application for an accessory structure on Miller. I will let the board know as soon as any application is received.

If you have any questions or have comments, please contact the city office or send me an email. I shall see you at the meeting.

Sincerely,

Adam H. Zettel, AICP  
City Manager  
City of Swartz Creek

---

8083 Civic Drive  
Swartz Creek Michigan 48473  
Phone: (810)-635-4464 Fax: (810)-635-2887  
[www.cityofswartzcreek.org](http://www.cityofswartzcreek.org) <ftp://cityofswartzcreek.org>