

CITY OF CHELSEA ZONING BOARD OF APPEALS AGENDA

Wednesday, February 21, 2024, at 5:00 PM Chelsea City Council Chambers 311 S. Main Street

Remote option available for members of the public. Board members must attend in person.

- 1. Call to Order
- 2. Roll Call
- 3. Approval of the Agenda
- 4. Approval of the Minutes
 - a. Approval of the regular meeting minutes for October 18, 2023
- 5. Public Comment (non-agenda items)
- 6. New Business
 - a. Variance 24-1: 775 South Main Street (APN 06-06-12-475-054)
 Request from Steve VanBrussel for a variance to allow for an increased maximum height for rooftop mechanical equipment and a variance for complete screening requirements in the MI Medical Institutional District
 - b. Draft Zoning Board of Appeals Bylaws and Rules of Procedure
 - c. 2024 Zoning Board of Appeals Meeting Schedule
- 7. Adjournment

Zoom Information

Please click the link below to join the webinar:

https://us02web.zoom.us/j/86163535559?pwd=NStzN3lzZTNuWnBLMEFVWHVLcytOQT09

Passcode: 153281 +1 309 205 3325 US

+1 312 626 6799 US (Chicago)

Item 4a

October 18, 2023

Regular Meeting Minutes

ZBA 10/18/23

T. Osborne, J. King, J. Lane, G. Kinzer

Call to order: 5:00 pm

Motion to approve the agenda Lane, 2nd by King Passes, all ayes

Motion to accept July 19th minutes by King, 2nd by Lane

Public Comment - none

New Business - Variance 23-2 203 W. Middle Street Plan to build a garage with in-law suite.

Motion to approve the variance based on a shared driveway and nonconforming structure next to the property line by King, 2nd by Lane

Passess all ayes

Motion to adjourn by King, 2nd by Lane No discussion Passess all ayes

Item 6a

Variance 24-1: 775 South Main Street (APN 06-06-12-475-054)

Request from Steve VanBrussel for a variance to allow for an increased maximum height for rooftop mechanical equipment and a variance for complete screening requirements in the MI – Medical Institutional District



117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: February 13, 2024

FOR City of Chelsea

APPLICANT INFORMATION

APPLICANT: Steve VanBrussel

5333 McAuley Drive, Suite 117

Ypsilanti, MI 48197

LOCATION: 775 South Main Street

CURRENT ZONING: MI – Medical Institutional

PETITION: Increased maximum height for rooftop mechanical equipment

from 10' to 13'4".

Variance for complete screening requirement.

VARIANCE REQUEST

The subject site is currently developed with an Inpatient Rehabilitation Unit, part of the Chelsea Trinity Health Hospital campus. The subject area is currently undergoing site plan review for interior renovations and a structure to connect the Courtyard West and Atrium Wings. As part of the planned renovation, three (3) new air handling units and one (1) new chiller are proposed in order to meet current hospital ventilation and air quality standards. This rooftop mechanical equipment will be mounted atop the renovated Courtyard West building, originally constructed in 1968. To accommodate the new mechanical equipment and corresponding ductwork, the applicant is requesting a variance from the maximum height of ten (10)') feet for roof mounted mechanical equipment to allow for the equipment to be at thirteen feet and four inches (13'4"). above the surrounding roof surface. The applicant is further requesting a variance from the requirement that roof mounted mechanical equipment be completely screened from view from ground level. The applicant is proposing a four-foot-three-inch (4'3") false roof as the screening mechanism. It appears that this false roof offers some screening from ground view, but it does not offer complete screening of the mechanical equipment. The applicant has provided a letter which identifies their consideration in requesting this variance. The two requested variances are from the requirements described in Section 6.10 of the Zoning Ordinance, which apply to buildings in all City of Chelsea zoning districts.

"Section 6.10 Mechanical Equipment

B. (2) Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units shall be integrated into the architecture of the building and completely screened from view from ground level by parapet walls or other approved enclosure."

EXISTING CONDITIONS

The Courtyard West building was built in 1968 as part of the original hospital construction. The building is located in the northwest area of the 98.45-acre parcel, at least one-hundred-and-fifty (150') feet from the nearest lot line (see Figure 1).



Figure 1. Aerial view of Courtyard West building and surrounding hospital campus

Source: NearMap, 2023

The property is located in the MI – Medical Institution Zoning District which includes the Trinity Health campus and other medical uses. In addition to Trinity Health, other property owners in the MI Zoning District include 5 Healthy Towns Foundation, Silver Maples of Chelsea Inc., and the United Methodist Retirement Community Inc. The property also lies within the M-52 Corridor District, and as such must comply with regulations established in Section 3.12 of the Zoning Ordinance. The building use is not proposed to change with either the variance request or corresponding site plan application.

This portion of the hospital campus is serviced by parking areas to the west of the subject building. Access to the site is provided from Will Johnson Drive, which circulates passenger vehicles around the hospital buildings, connecting to South Main Street from north of Pierce Park and south of the downtown Chelsea area.

VARIANCE CONSIDERATIONS

According to section 15.10 B of the Zoning Ordinance, a variance shall not be granted by the Zoning Board of Appeals unless and until all of the following are met.

A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

CWA Comment: The subject property is 98.45-acres and contains most of the Trinity Health Chelsea Hospital buildings. The mechanical equipment screening and maximum height requirements apply to all structures in the city. The MI – Medical Institutional zoning district consists of ten (10) parcels. This parcel contains both the original hospital campus buildings and the newer built (2011) adjacent buildings, and the proposed site plan for this building plans a connection between the new and old buildings. Unlike many other structures in the MI district, the Courtyard West Building is well below the forty (40) foot maximum building height requirement, at nine feet and seven inches (9'7") in height. This height does not allow for interior ductwork placement; however, the short building height does not appear to impact the applicants' ability to offer the required screening.

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

CWA Comment: The granting of the height variance may be necessary for the enjoyment and safety of a substantial property right possessed by other buildings on the hospital campus or broader MI – Medical Institutional district. The applicant is proposing to upgrade their ventilation system to meet air quality standards. The rejection of the screening variance application does not appear to deprive the applicant of rights commonly enjoyed by other properties.

C. That special conditions and circumstances do not result from the actions of the applicant.

CWA Comment: Issuance of the screening variance with the understanding that the surrounding existing trees offer sufficient screening, as the applicant suggests in their variance application letter, may result in landscape screening being used in place of structural screening, as required by the Zoning Ordinance. Removal of these trees in the future would impact the screening.

Chelsea Hospital Inpatient Rehabilitation Renovation Variance Review – 2/13/2024

However, the site itself is surrounded by a wooded area that generally screens the building from neighboring uses.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

CWA Comment: The ability to install ventilation equipment that meets air quality standards is not a special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the MI – Medical Institutional Zoning District.

E. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

CWA Comment: The ZBA should review this proposal alone and not compare it to other sites.

RECOMMENDATION

The Zoning Board of Appeals should review the requested variance to determine whether:

- a. The requirements of the Ordinance for a variance have been met by the applicant.
- b. The reasons set forth in the application justify the granting of the variance.
- c. The variance is the minimum variance that will make possible a reasonable use of the land, building, or structure.
- d. Granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

If you have any questions, please do not hesitate to contact us.

Respectfully submitted,

CARLISLE/WORTMAN ASSOC.,INC

Paul Montagno, AICP

Principal

CARLISLE/WORTMAN ASSOC., INC.

Michelle Marin Community Planner

Zoning Boards of Appeals ApplicationCity of Chelsea

City of Chelsea Washtenaw County, Michigan

Date January 30, 2024						
APPLICANT(S) NAME (print)	Chelsea Hospital -					
APPLICANT(S) ADDRESS	775 S Main Street, Chelsea, MI					
-	PHONE# (734) 655-8593					
Type of Appeal – The App	eal made herewith is for:					
	e Zoning Ordinance f the Zoning Ordinance					
For the following reasons:	Height variance - due to existing older building construction & - Screening Variance due to partial existing screening. See attached - narrative for further description of variance request.					
	opeal application, you are stating that you have had the opportunity to read overning the Board of Review's decision and that you understand the rule.					
Date: 1/20/2027	Applicants signature: Discoter of Planning Design, Construction TH MICHIGAN					
THE APPLICANT(S) ARE:	() OWNER(S) OF THE PROPERTY INVOLVED. ACTING ON BEHALF OF THE OWNER(S) OF PROPERTY INVOLVED.					
Fee received: \$_646.00 by the Planning & Zoning Inspector						
F	or Variances from the Zoning Ordinance					
Address of the Property in	775 S Main Street, Chelsea, MI					
	of the Zoning Ordinance that are being addressed in this appeal. <u>DO NOT</u> cate the Article, Section, Subsection and Paragraph in question:					
roof surface. All roof mou	Equipment pment shall not exceed a height of ten (10) feet above the surrounding inted mechanical units shall be integrated into the architecture of the screened from view from ground level by parapet walls or other					

For Applications for Appeal of the Interpretation of the Zoning Ordinance

PLEASE	E PRINT OR TYPE (If additiona	I space is needed use th	e back or a separate sheet)
I/We	of		
Zoning I	Hereby ap		ard of Appeals from the decision of th
() A	Zoning Compliance Permit Certificate of Occupancy	was () Granted was () Granted	() Denied () Denied
		49.45	
Legal De	escription:	and the second s	
	FOR ZONING B	OARD OF APPEA	ALS USE ONLY
1			, the appeal described or
	m was considered and the Board		
	Zoning Compliance PermiCertificate of Occupancy	it.	
was ()	Granted or ()Denied for the fo	llowing	



1/30/2024

City of Chelsea City Hall Zoning Board of Appeals 305 S. Main Street #100 Chelsea, MI 48118

Re: Zoning Ordinance Variance

Chelsea Hospital 775 S. Main Street Chelsea, MI 48118

A3C is working on a project with Chelsea Hospital, to renovate an existing 30 Bed Inpatient Behavioral Health Unit, into a 16 Bed Inpatient Rehabilitation Unit. The renovation will be in the hospital's 'Courtyard West' wing, and will consist of 14,356 SF of Interior Renovation and new construction of 1,025 SF Connector. The Connector will link the Courtyard West and Atrium Wings.

To meet current hospital ventilation and air quality standards, new three new air handling units and one new chiller are needed for the project. The units are being planned for the roof above the area of renovation in Courtyard West. FGI 2018 Hospital Guidelines require a 20' clear view from a hospital patient room window to any structure, negating the ability to ground mount the units near the area of work.

The Courtyard West Building is part of the original 1968 construction of the hospital, and is located behind the newer 2011 two story Atrium building. Courtyard West, is a 9'-7" high building, with an interior bar joist structure, which does not allow enough interior clearance for ductwork placement. This project will install the new mechanical ductwork on the roof, and construct a platform to support the new roof top units above the ductwork. The total height of the three air handling units (including the platform) will be 10'-5". The new chiller will be 13'-4" high (including the platform), but screened by a 4'-3" high false roof on the east end of Courtyard West. Part of the chiller will be 9'-1" above the false roof front. See Exterior Elevation E/ A3.11 for location of false roof front.

RE: Section 6.10 Mechanical Equipment

B. (2) Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units shall be integrated into the architecture of the building and completely screened from view from ground level by parapet walls or other approved enclosure.

A variance in height is requested for three air handling units on the platform, with a 5" height variance at 10'-5", from the allowable 10'-0" as noted in the Zoning Ordinance. And a variance of 3'-4", for part of the 13'-4" height of the chiller, at the east end beyond the false roof front and at the 8'-2" short side of the unit.

This variance is being requested due to the existing nature of the building construction requiring ductwork on the roof, need for placement of the units on the roof above the ductwork, and size of units based on current ventilation and air quality standards for healthcare environments. The height



of these units cannot be seen by any adjacent property owners, and the units will also not be seen from the front of the property. The newer 2011 two story Atrium building, is the main front entry for the hospital, and is two stories, so one story higher than the Courtyard West Wing.

A variance for screening is also being requested as there are some existing partial false roof fronts on the Courtyard West Wing, and there are many trees that naturally screen the roof area. See attached Sketch Sheet SK-01 for views of the Courtyard West area.

The roof top units will be located at the far end of the Courtyard West wing, so they will be less visible from adjacent areas. The tallest unit, the chiller, is placed at the far east end of the roof, near one of the partial false roof front screening elements. All roof top units will be placed in the north-south orientation so that the visibility of the units will be minimized, as they are not placed longitudinally in the east west orientation along the roof line.

Chelsea Hospital has placed roof top units on the older portions of the hospital in past renovation projects. They have found that the light grey color of the units helps to minimize their appearance as the color blends with a grey or a clear sky day. A red/brown screen to match the brick of the Courtyard West Building, would blend with the building, but would make the mechanical areas much more of a contrast with the sky. Minimizing the impact of the units by keeping their light grey color and using trees for screening is requested over mechanical screens to match the building color.

As noted above in the height variance narrative, the Courtyard West wing is at the back of the hospital complex, and is screened from the front of the property by the new taller Atrium West Building. Chelsea Hospital is the only property owner in the M1 Zone, with no similar or other property owners that would have comparison issues. Chelsea Hospital is asking for these variances on this original older building, but would not expect this variance with any future newer buildings.

Chelsea Hospital enjoys its tree scaped campus, and intends to continue maintaining and adding trees around the hospital grounds as screening and beautification efforts. The request for these variances is due to some existing older building conditions, and the need for the new roof top units to supply updated ventilation and air quality standards for modern healthcare facilities.

Thank you for your consideration on this matter.

Sincerely,

Anne M. Cox, AIA

Principal - Project Architect

Ceprae M. Cox

A3C - Collaborative Architecture

CHELSEA HOSPITAL

INPATIENT REHABILITATION RENOVATION - PHASE 1 775 South Main St. Chelsea, MI



Trinity Health

Trinity Health Ann Arbor 5301 McAuley Drive Ypsilanti, MI 48197



A3C Collaborative Architecture
Architect -- Project Number: 23041
115 1/2 East Liberty St.
Ann Arbor, MI 48104
PH: 734.663.1910
FX: 866.732.2168



AIMS Construction, Inc.

Construction Manager 31805 W. Eight Mile Rd. Livonia, MI 48152 PH: 248.476.1310 FX: 248.476.4277



OWNER'S REPRESENTATIVE:

kris.ostermiller@trinity-health.org

Project Manager:

Ph: 810.333.1504

A3C Collaborative

Kris Ostermiller

ARCHITECT:

Architecture

Ph: 734.663.1910

acox@a3c.com

Project Manager:

Ph: 734.663.1910

sdavis@a3c.com

Sara Davis

23041-G0.01

Principal:

Anne Cox

WENGCO
Civil Engineering Consultant Firm 3526 W. Liberty Rd, Suite 400 Ann Arbor, MI 48106 PH: 734.761.8800 FX: 734.761.9530



PROJECT SCOPE SUMMARY:

University of Michigan Health

Michigan Medicine 1500 E. Medical Center Drive Ann Arbor, MI 48109



Henderson New York
Engineering Consultant Firm
240 West 37th Street, Floor 3
New York, NY 10018

PH: 212.413.8400

PLAN LETTER/ DETAIL NUMBER



DRAWING INDEX KEY:

ISSUED FOR REFERENCE ONLY •

ISSUED FOR REVIEW ①

ISSUED FOR BID/PERMIT

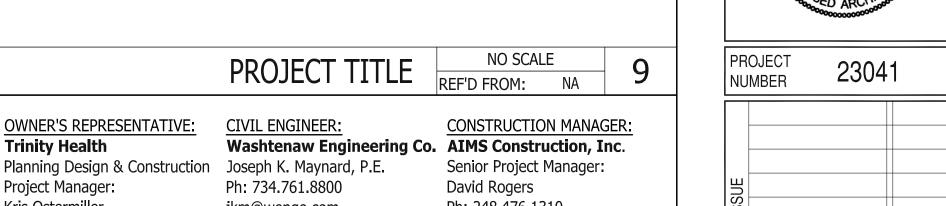
SDI - Structural Design Inc.

Structural Engineering Consultant Firm 275 East Liberty St. Ann Arbor, MI 48104 PH: 734.213.6091 FX: 734.213.6087



SHT. # SHEET NAME

GENERAL



DRN: SAD

HOSPITAL EHABILITATION

SEA ENT RE

47

1/30/24

CHK'D: AMC

Ph: 248.476.1310 drogers@aims-construction.com

paul@sdistructures.com MECHANICAL, ELECTRICAL, PLUMBING & FIRE PROTECTION ENGINEERS: **Henderson New York** Ed Griggs Ph: 913.742.5377

jkm@wengo.com

SDI Structures

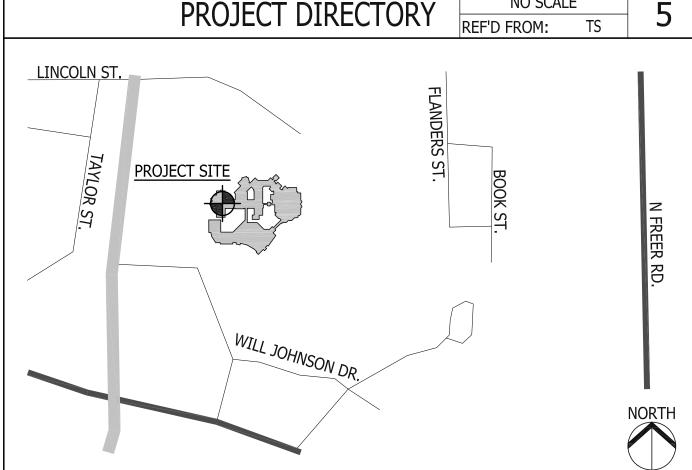
Ph: 734.213.6091

Paul Dannels

STRUCTURAL ENGINEER:

ed.griggs@hendersonengineers.com

PROJECT DIRECTORY



FUTURE PHASE. THE FIRST LEVEL OF ATRIUM WEST WILL NOT RECEIVE ANY SUBSTANTIAL RENOVATIONS AS A PART OF THIS PROJECT. ON THE SECOND LEVEL OF ATRIUM WEST, SIX SECOND FLOOR PATIENT ROOMS WILL RECEIVE NEW CEILING MOUNTED PATIENT LIFTS AS A PART OF THIS

THIS PROJECT WILL RENOVATE AN EXISTING 30 BED INPATIENT BEHAVIORAL HEALTH UNIT IN

THE NEW CONSTRUCTION WILL BE A CONNECTOR 'WALKWAY' THAT WILL BOTH PHYSICALLY

AND FUNCTIONALLY CONNECT THE 'ATRIUM WEST' REHABILITATION WING (CONSTRUCTED

IN 2011) WITH THE RENOVATED INPATIENT REHABILITATION PATIENT UNIT IN 'COURTYARD

WEST' (CONSTRUCTED IN 1968; RENOVATED IN 2018). THE CONNECTOR WILL ALSO PROVIDE

THE NEW 16 BED INPATIENT REHABILITATION UNIT WILL INCLUDE UNIT SUPPORT SPACES

STORAGE, SOILED UTILITY, NOURISHMENT, STAFF LOCKER/LOUNGE AND PATIENT THERAPY

SPACES. A FUTURE BUILD OUT OF 8 ADDITIONAL BEDS IS PLANNED FOR AN UNDETERMINED

ACCESS FROM THE EXTERIOR PARKING AREA AND THE WEST COURTYARD SPACE. THE

OVERALL SQUARE FOOTAGE OF THE CHELSEA HOSPITAL IS NOTED AS 213,320 SF.

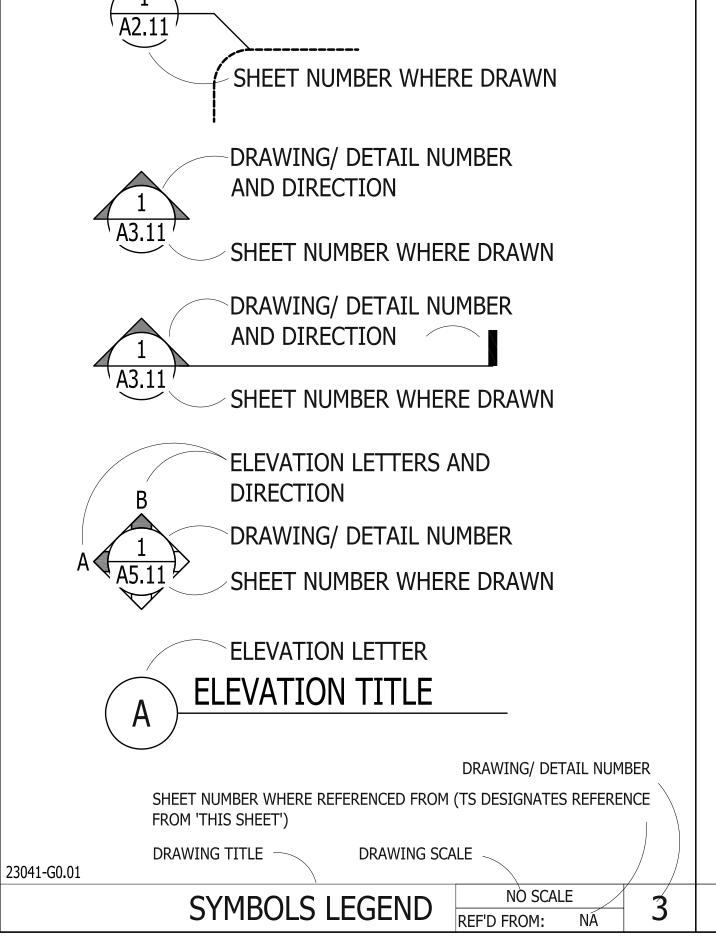
INCLUDING: A NURSE STATION, MEDICATIONS ROOMS, CLEAN SUPPLY, EQUIPMENT

UNIT. THE PROJECT WILL CONSIST OF TWO PHASES: PHASE 1 WILL HAVE A 1,025 SF NEW

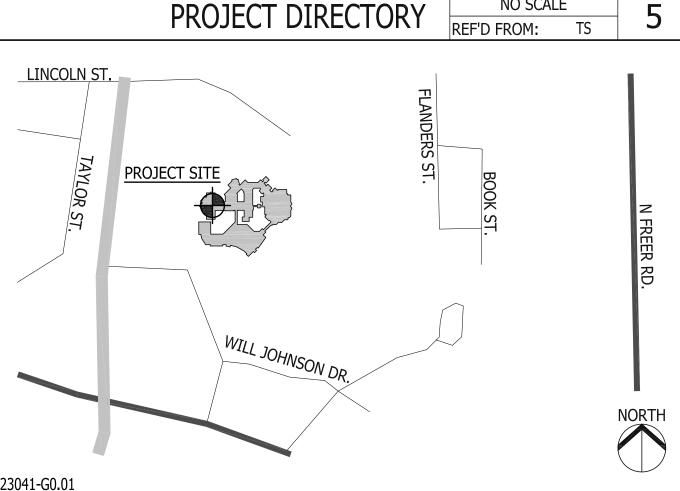
CONSTRUCTION / ADDITION AND 14,356 SF INTERIOR RENOVATION; PHASE 2 WILL BE A

FUTURE PROJECT OF APPROXIMATELY 5,250 SF INTERIOR RENOVATION.

THE PROJECT SCOPE INCLUDES ARCHITECTURAL, INTERIOR, MECHANICAL, PLUMBING, ELECTRICAL, CIVIL AND STRUCTURAL WORK. THE CONSTRUCTION MANAGER WILL COORDINATE WORK OF OWNER CONTRACTED SECURITY, EQUIPMENT AND FURNITURE







23041-G0.01

PROJECT SUMMARY REF'D FROM:

DRAWING LIST

REF'D FROM:

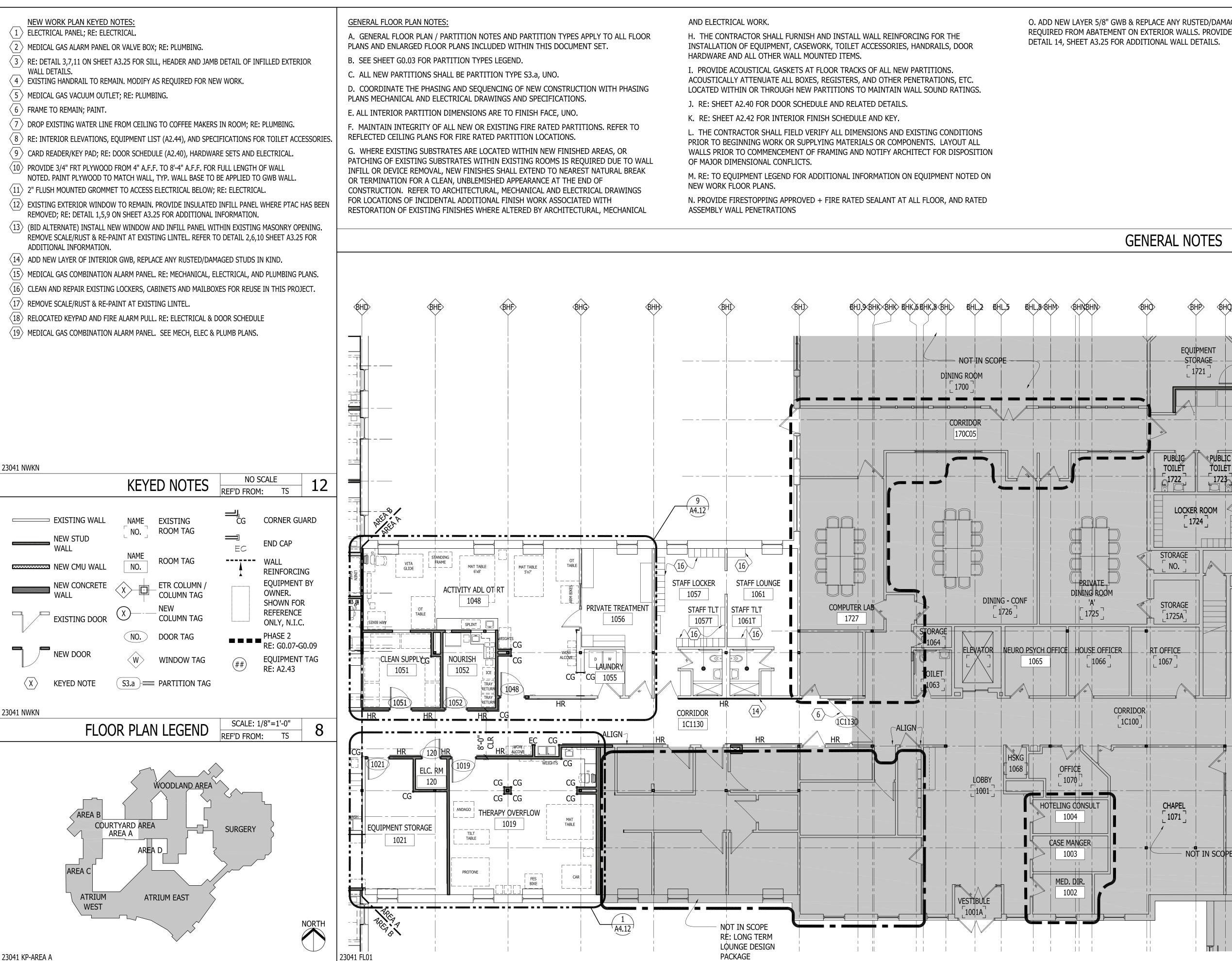
VICINITY MAP REF'D FROM: SHEET G0.1

115 1/2 E. LIBERTY STREET

ANN ARBOR, MI 48104

T: (734) 663 - 1910

www.a3c.com



KEY PLAN - BUILDING REF'D FROM:

O. ADD NEW LAYER 5/8" GWB & REPLACE ANY RUSTED/DAMAGED 7/8" HAT CHANNELS, AS REQUIRED FROM ABATEMENT ON EXTERIOR WALLS. PROVIDE VAPOR RETARDER. RE: TO



13

-₿H1.5

-BH2.2

—₿H2.9

-BH5.1≥

BH5.4

BH6.1

-BH7.2

__₿H8.3

FLOOR PLAN - LEVEL 1 - AREA A SCALE: 1/8"=1'-0"
REF'D FROM: G0.04

NORTH NORTH

CORRIDOR

170C04



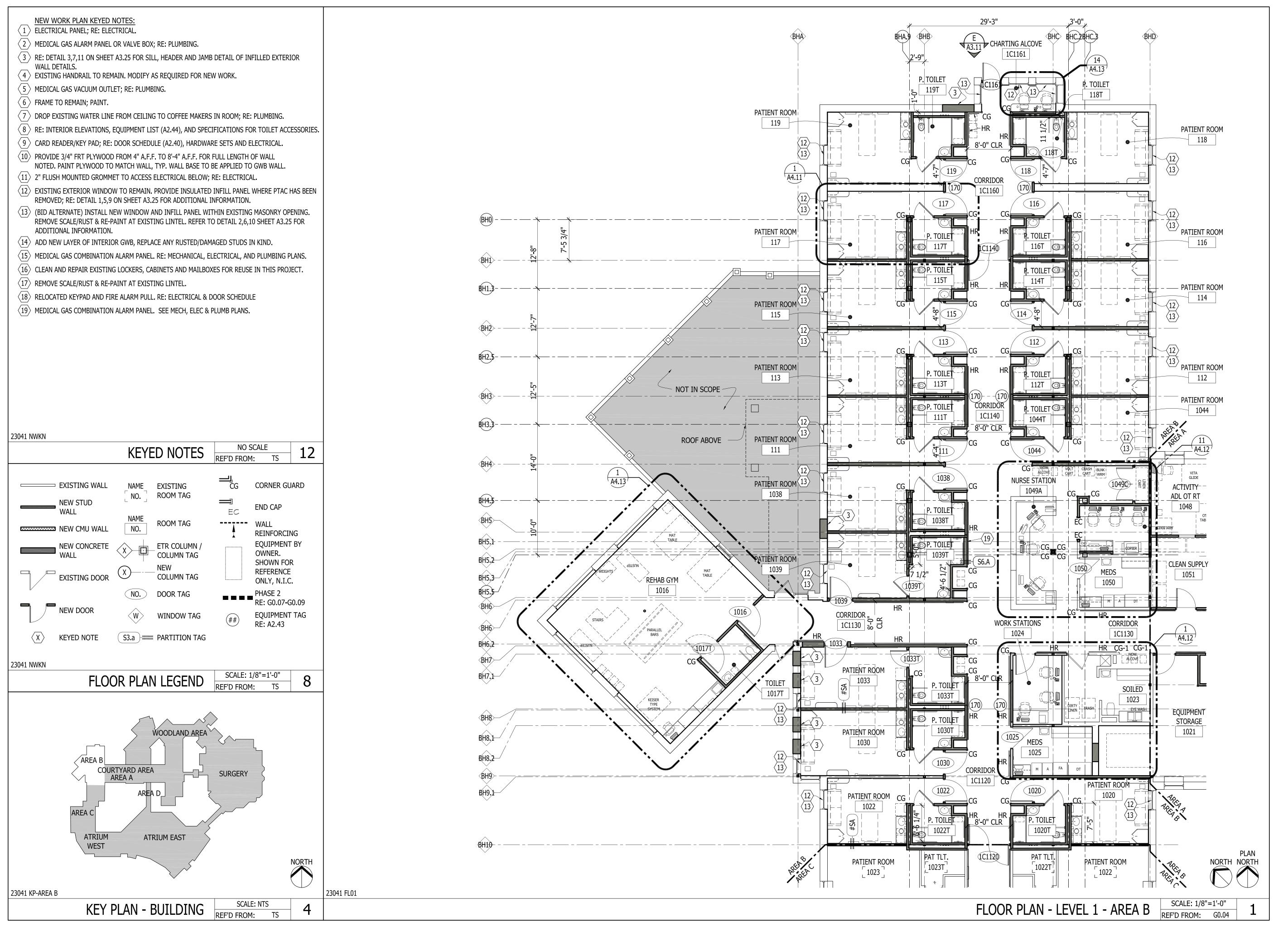


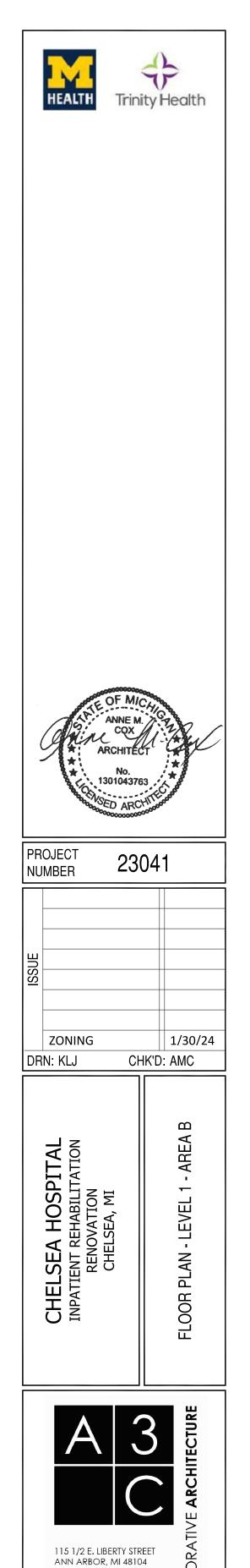
PROJECT NUMBER 1/30/24 ZONING CHK'D: AMC DRN: KLJ

HOSPITAL EHABILITATION CHELSEA INPATIENT RE



A2.11A

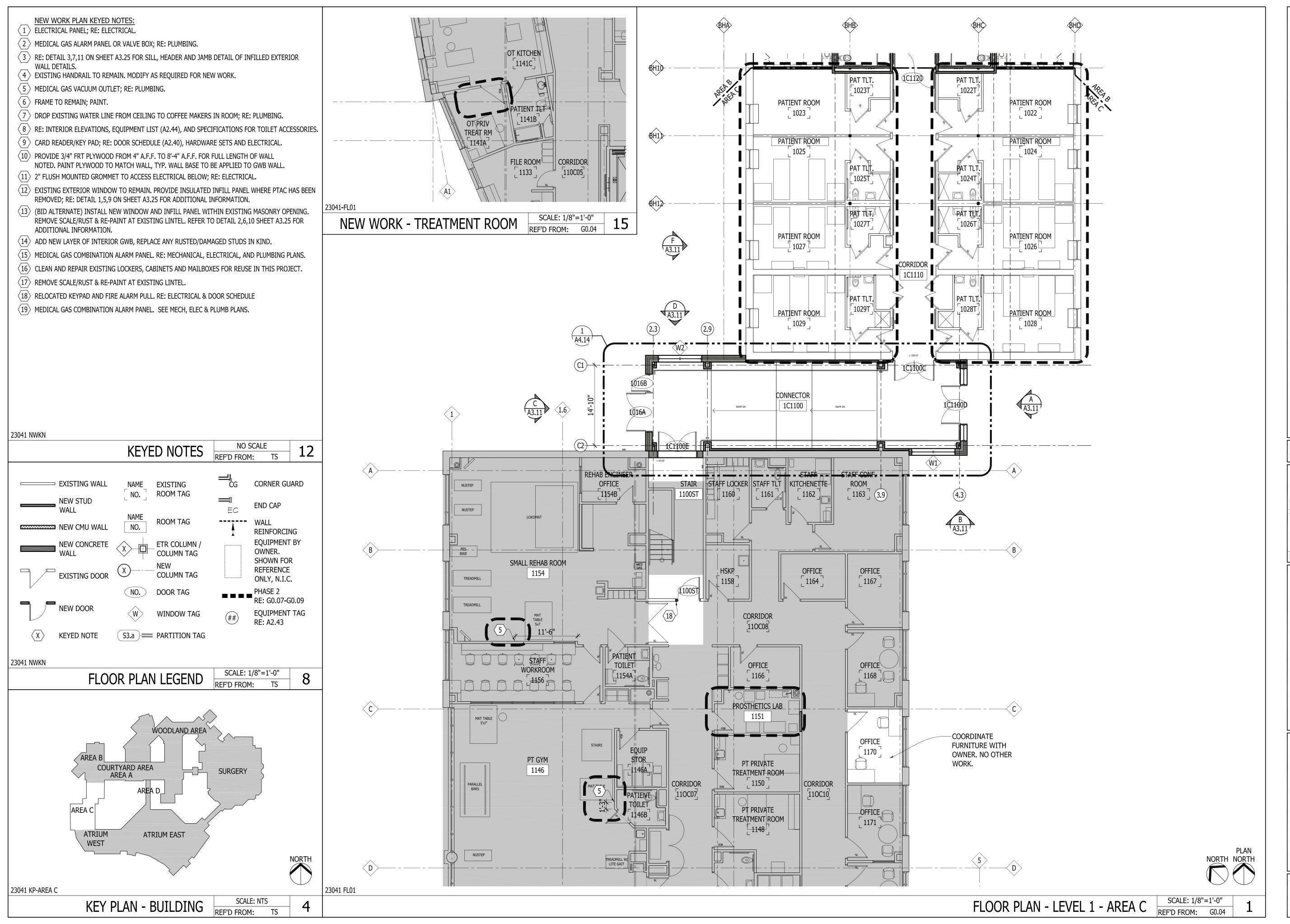




T: (734) 663 - 1910 F: (866) 732 - 2168

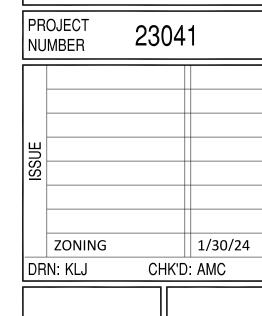
www.a3c.com

A2.11B

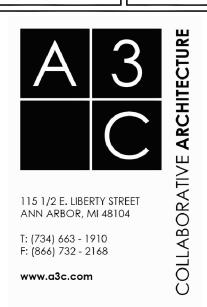




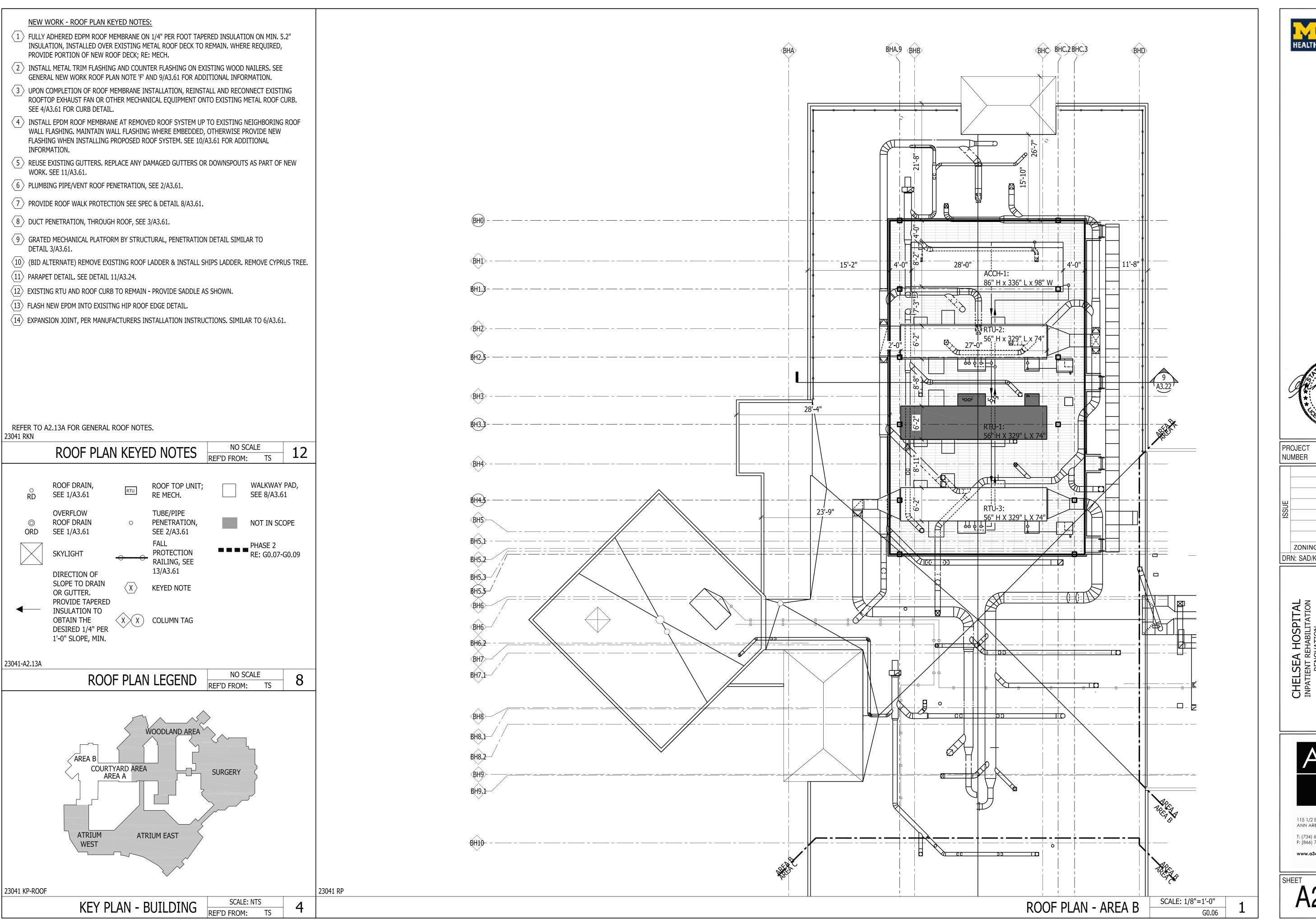


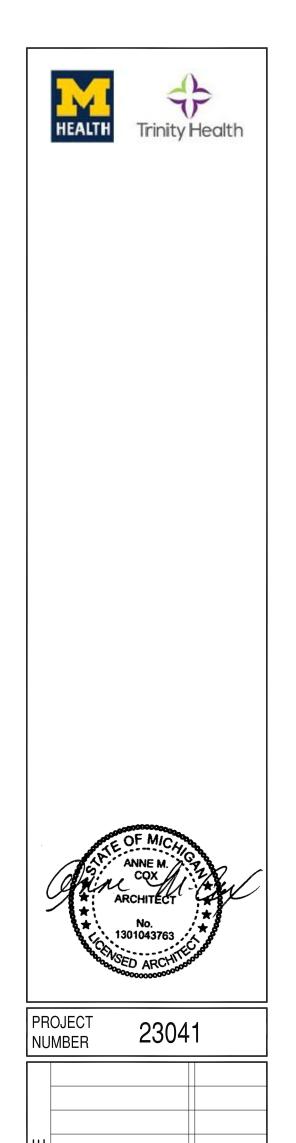


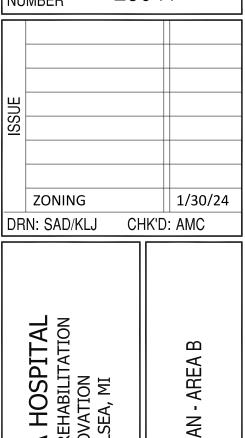
CHELSEA HOSPITAL
INPATIENT REHABILITATION
RENOVATION
CHELSEA, MI

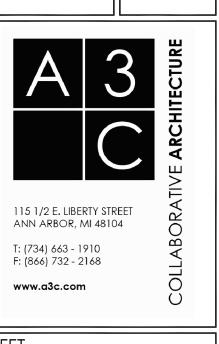


A2.11C

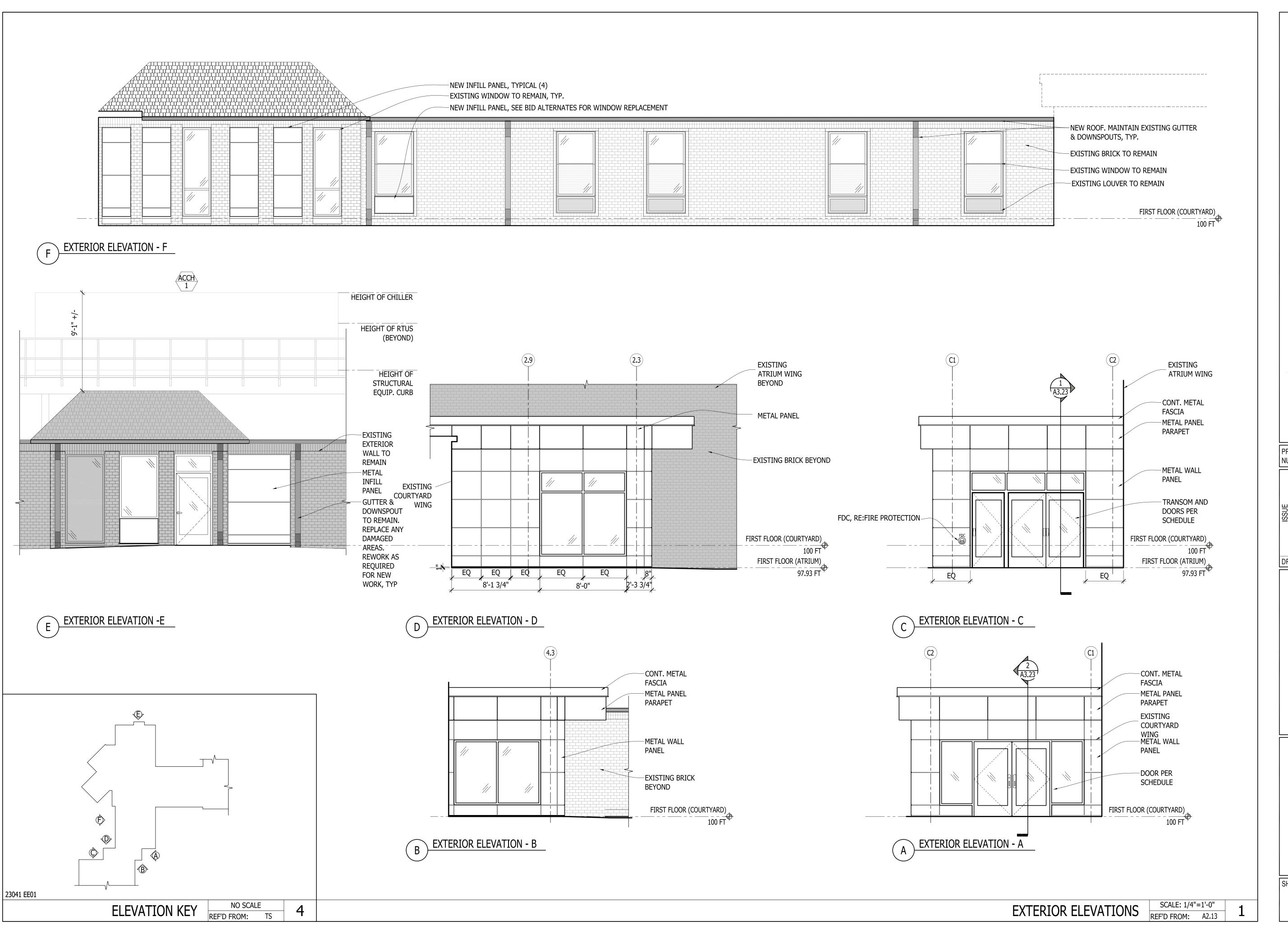








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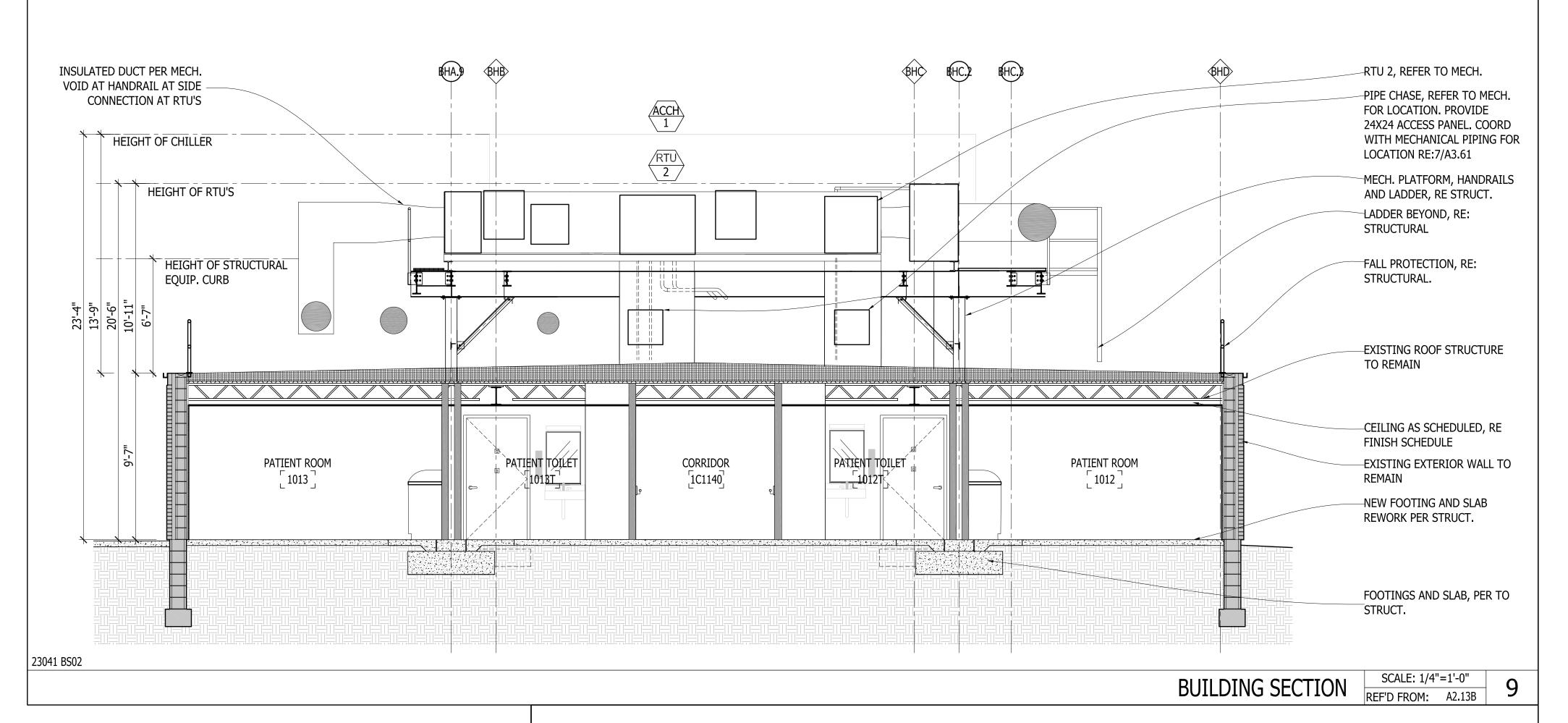


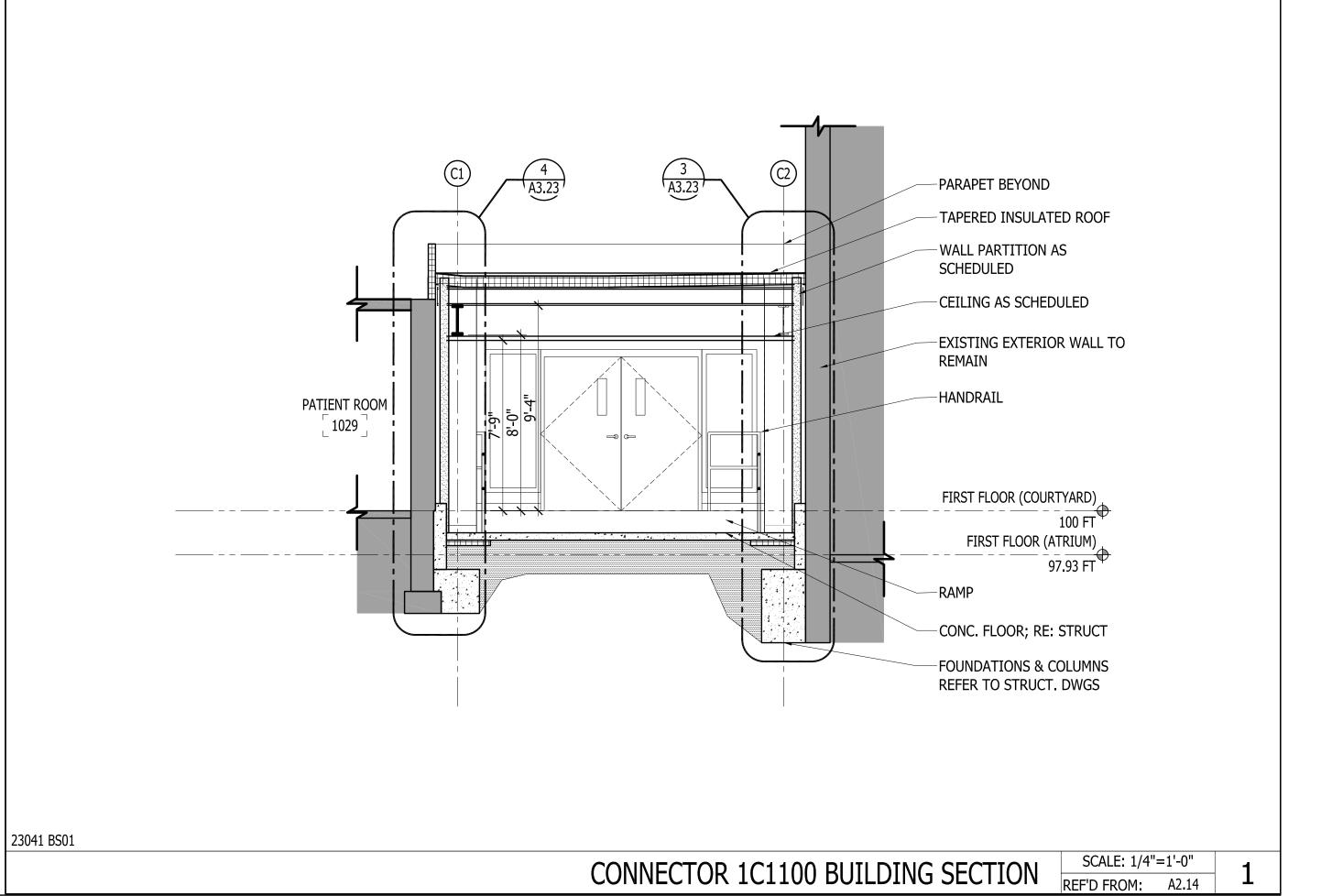
CHELSEA HOSPITAL
INPATIENT REHABILITATION
RENOVATION
CHELSEA, MI

EXTERIOR ELEVATIONS

3 115 1/2 E. LIBERTY STREET ANN ARBOR, MI 48104 T: (734) 663 - 1910 F: (866) 732 - 2168 www.a3c.com

A3.11









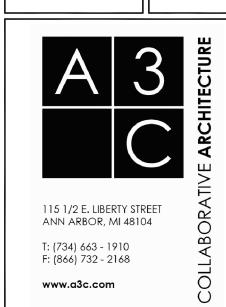


PROJECT NUMBER 23041

ZONING 1/30/24

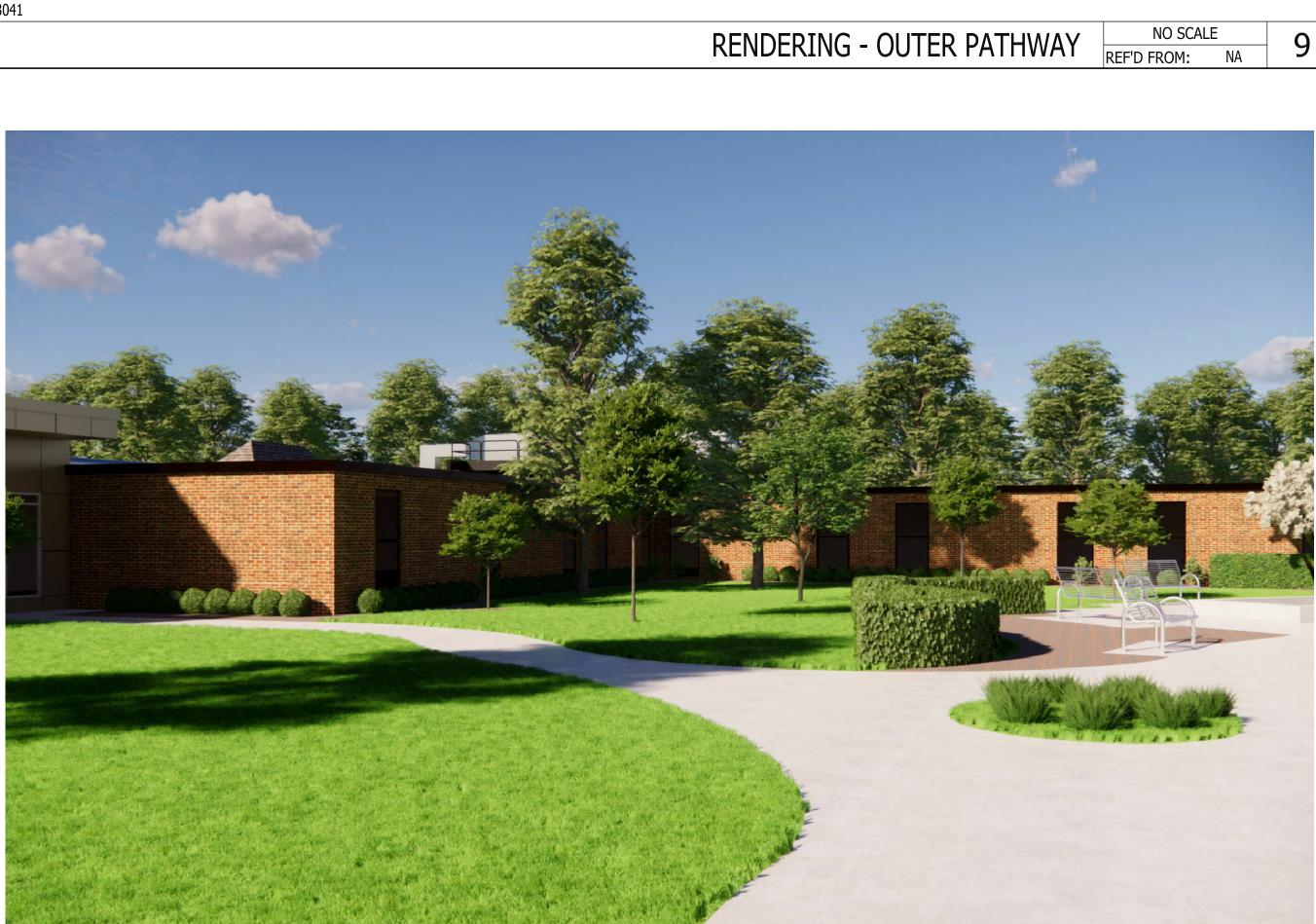
DRN: KLJ CHK'D: AMC

CHELSEA HOSPITAL
INPATIENT REHABILITATION
RENOVATION
CHELSEA, MI
BUILDING SECTIONS



A3.22









RENDERING - COURTYARD NO SCALE REF'D FROM: NA

RENDERING - COURTYARD | NO SCALE | REF'D FROM: NA

SK-01



GENERAL MECHANICAL NOTES:

- 1. REFER TO GENERAL MECHANICAL NOTES ON SHEET M0.0 FOR ADDITIONAL REQUIREMENTS.
- 2. COORDINATE ALL NEW WORK WITH THE REQUIREMENTS AS SHOWN ON THE ARCHITECTURAL DOCUMENTS.
- 3. SEE DETAILS ON M6 SHEETS FOR ADDITIONAL WORK.

MECHANICAL PLAN NOTES:

- 1. RTU-1,2,3, H-1,2,3, AND CH-1 LOCATED ON STRUCTURAL PLATFORM ABOVE ROOF. REFER TO STRUCTURAL DRAWINGS FOR MORE INFORMATION.
- 2. ROUTE HWS/R DOWN THROUGH ROOF WITHIN PIPE CHASE.
- 3. ROUTE HWS/R 3/4" LPC DOWN THROUGH ROOF IN CHASE TO MAIN. INSTALL ISOLATION VALVES WITHIN CURB/CHASE CAVITY.
- 4. SEAL GLYCOL CHILLED WATER AND LPS PIPING PENETRATIONS AIR/WATER TIGHT.

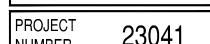




CONSULTING ENGINEERS 240 WEST 37TH STREET, 3RD FLOOR NEW YORK, NY 10018 **TEL** 212.413.8400 www.hny-eng.com 2350001924



12/14/2023

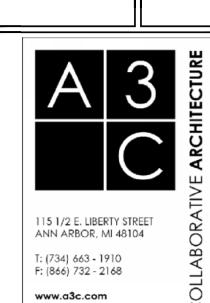


NU	MBER	23041	
ISSUE			
<u>S</u>			
	ZONING		1/30/24

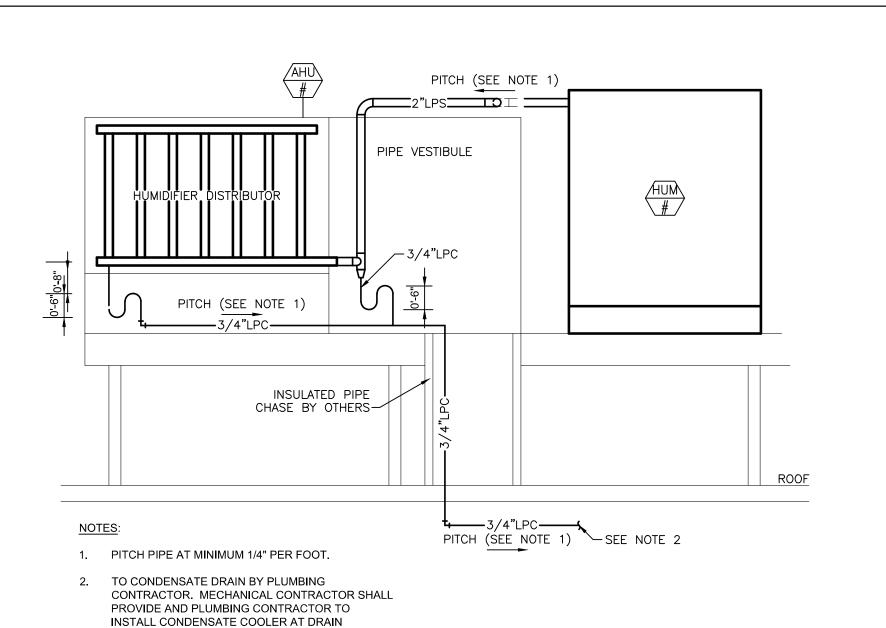
CHK'D: HNY

CHELSEA HOSPITAL
INPATIENT REHABILITATION
RENOVATION
Chelsea, MI

DRN: HNY



M4.1

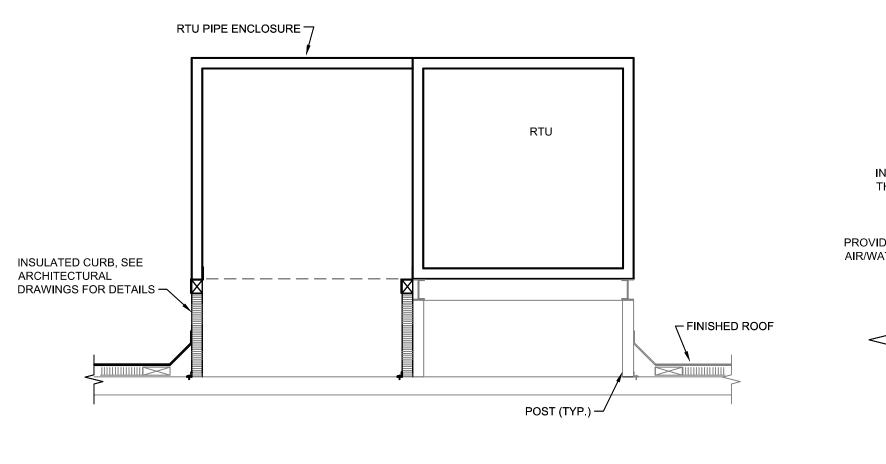


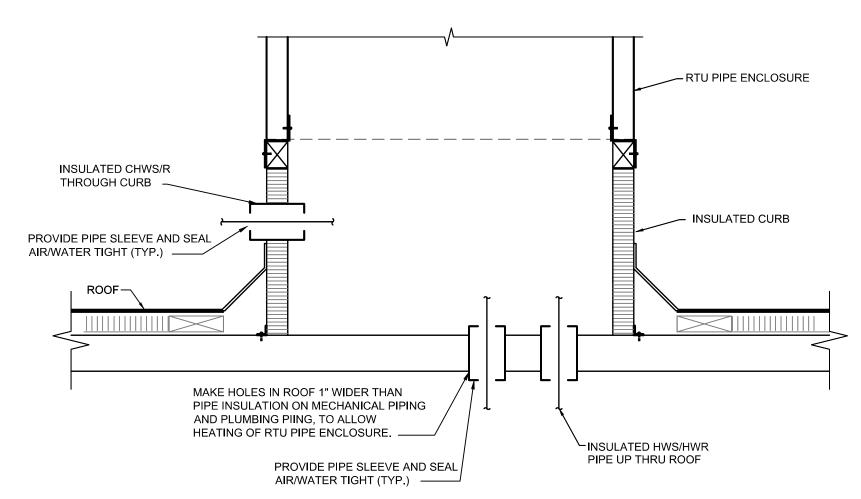
TERMINATION POINT. COORDINATE WITH

<u>LHUMIDIFIER PIPI</u>NG DETAIL

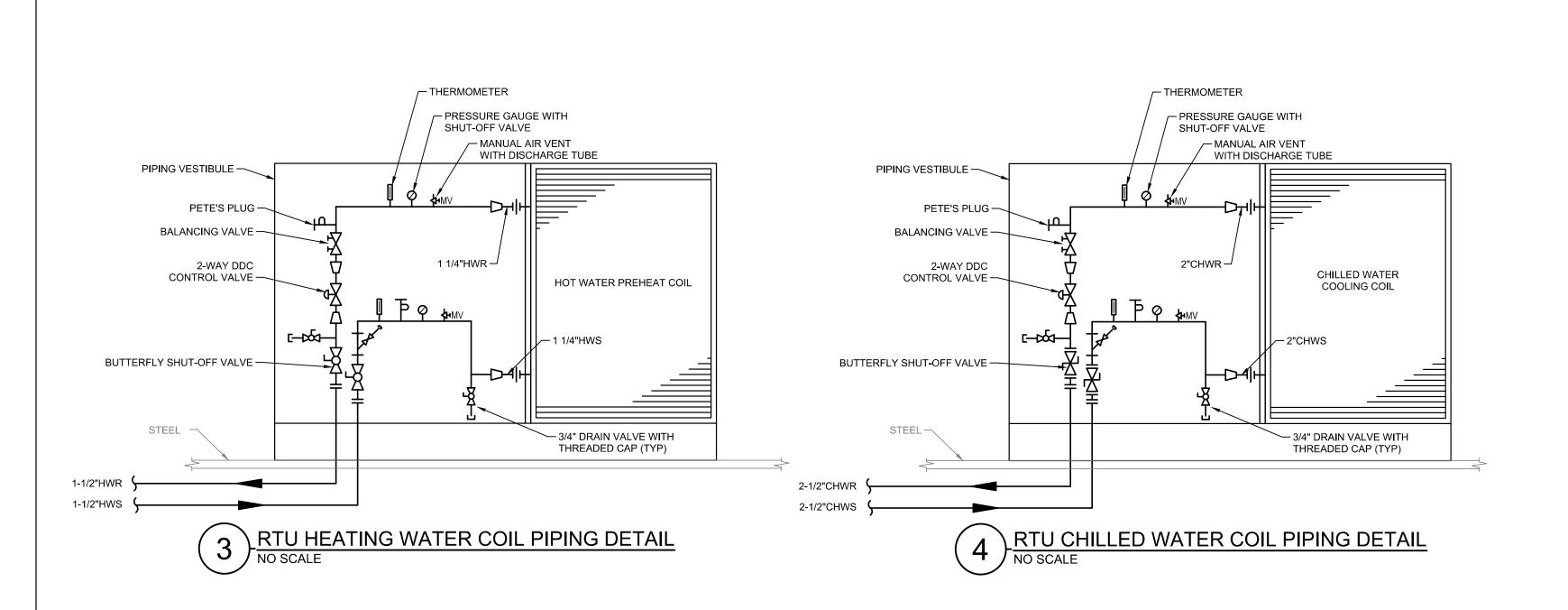
PLUMBING CONTRACTOR.

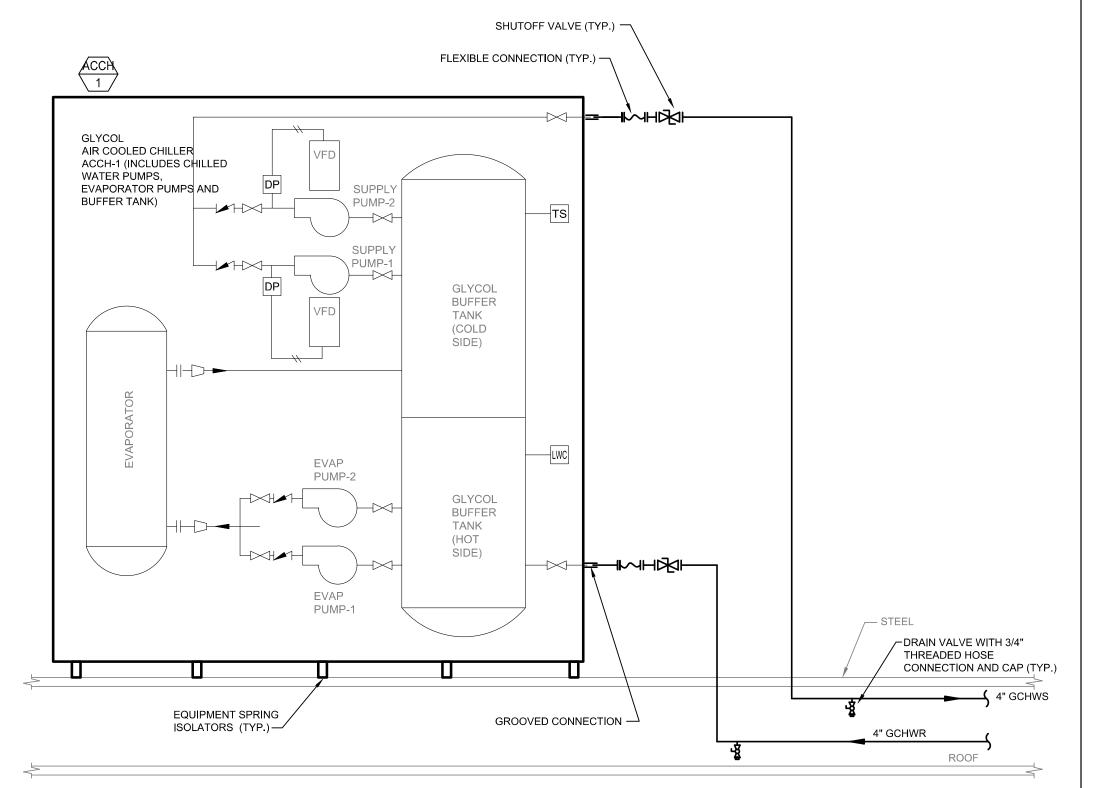
 INSTALL CONDENSATE PIPING PER MANUFACTURER'S REQUIREMENTS.



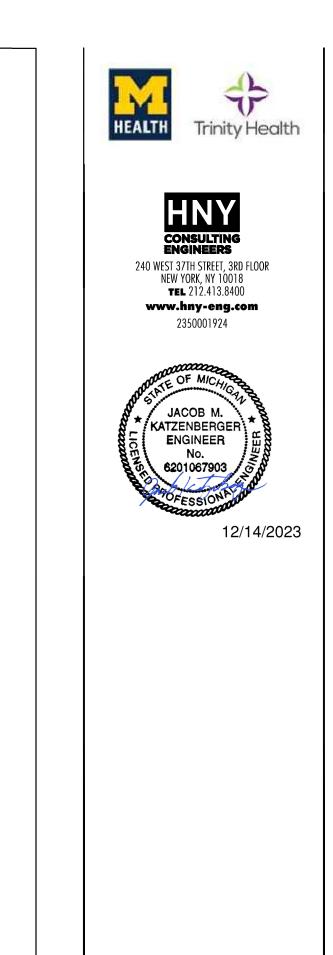


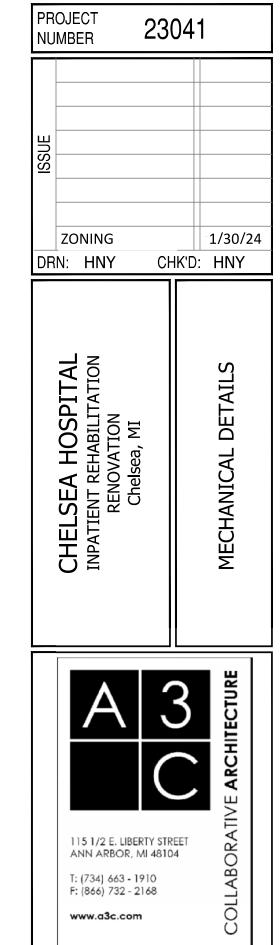
2 RTU PIPE ENCLOSURE DETAILS
NO SCALE











Item 6b

Draft Bylaws and Rules of Procedure

CITY OF CHELSEA ZONING BOARD OF APPEALS BYLAWS AND RULES OF PROCEDURE

SECTION ONE – AUTHORITY

The City of Chelsea Zoning Board of Appeals (hereinafter referred to as the ZBA) adopts these rules of procedure pursuant to the Michigan Zoning Enabling Act, MCL 125.3101 et seq., as amended and the ordinances of the City of Chelsea. (as amended).

SECTION TWO - MEMBERSHIP

- (1) Membership. Members shall be appointed according to the procedure as established by Chelsea ordinances. The ZBA shall consist of five regular members and one alternate member, all to be appointed by City Council. An alternate member may be called as specified in the zoning ordinance to serve and vote as a member of the ZBA in the absence of a regular member. An alternate member may also be called to serve as a member for purposes of reaching a decision on a case in which a member has abstained for reasons of conflict of interest.
 - a) Continued Education. Each member shall complete 5-6 hours of continued state zoning education within each fiscal year. New appointees to the Commission shall not be required to complete the hours of continued education within the first fiscal year of appointment.
 - b) **Materials.** Upon taking office for the first time, each member shall be sent via email a package of materials to assist them in their role, including but not limited to:
 - A copy of the Zoning Board of Appeals-Rules of Procedure.
 - Chapter 2, Article IV of the Chelsea Code of Ordinances: Boards and Commissions.
 - The current Chelsea Zoning Ordinance, including up-to-date amendments.
 - The Michigan Zoning Enabling Act.
 - Any other materials deemed necessary by the Community Development Director or their designee, and approved by the Chair of the ZBA, to familiarize a new member with the appeals process and the duties of the ZBA.
 - The Chelsea Zoning Map.
 - c) **Resignation.** A Member's seat is resigned when the City Clerk's office receives a letter, or email of resignation.

(2) Duties.

- a) Attendance. Each regular and alternate member is required to attend all meetings, except for good cause.
- b) Absences. Members who are unable to attend a regularly scheduled meeting must contact the Zoning Administrator prior to the meeting to state the cause of the absence. The Zoning Board of Appeals shall approve the excused absence as part of the regular meeting, and it shall be noted in the meeting minutes.

- c) Preparation. Members shall arrive prepared for the business before the ZBA at the meeting, having reviewed written materials and completed site visits as necessary to be educated on the agenda issues.
- d) Ex Parte Contact. Members shall avoid Ex Parte contact concerning questions or matters pending before the ZBA.
- e) Ex Parte Contact includes discussions among members, applicants, or the public outside of a ZBA meeting, including emails, about matters pending before the ZBA.

SECTION THREE - MEETINGS

- (1) Notices. Notice of meetings shall be provided in accordance with the Open Meetings Act. Prior to the scheduled meeting date, the Zoning Administrator shall provide the agenda for the meeting and all documentation relevant to agenda items as well as any other information requested by the ZBA.
- (2) Regular Meetings. Regular meetings of the ZBA shall be held monthly in the Council Chambers of the Municipal Building at 311 S. Main Street on the third Wednesday of every month at 5:00 p.m.
 - a) If there are no appeals, requests for variances or requests for interpretation of the zoning ordinance to consider, a regular meeting shall be canceled. All other business shall be held over to the agenda for the next regular meeting.
 - b) When a regular meeting date falls on or near a legal holiday or a regular City Council meeting, the ZBA shall select a suitable alternate date in the same month, if possible, in accordance with the Open Meetings Act.
- Other Meetings. A special meeting can be scheduled by the Community Development Director or their designee, the Chair of the ZBA, or, in the Chair's absence, the Vice-Chair. A special meeting may be requested by an applicant in writing. Such special meeting shall be held at the discretion the Chair of the ZBA, or, in the Chair's absence, the Vice-Chair.
- (4) Membership. Any changes in Board membership will be announced prior to roll call.
- **Quorum.** In order for the ZBA to conduct business or take any official action, a quorum consisting of 3 voting members of the ZBA must be present. When a quorum is not present, no official action, except for closing of the meeting may take place. All items scheduled to be heard shall be rescheduled for the next regular meeting. No additional public notice shall be required provided the date, time and place of the rescheduled meeting are announced at the canceled meeting.
- (6) Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and ordinance cited in Section 1 of this document.
 Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:
 - Introduction of case by staff.
 - The Chair confirms that the applicant is present and receives an opportunity to present the case.
 - The Chair opens discussion. The ZBA may ask the applicant or staff questions.
 - The Chair opens the public hearing. Each person will be requested to state their name and address for the record and may address the ZBA regarding the case not to exceed three minutes, to be modified at the discretion of the Chair. The Chair may invite people to speak row by row to eliminate lines at the microphone.

- The Chair closes the public hearing.
- Discussion. The ZBA may ask staff or the applicant questions.
- The Chair shall call for a motion.
- After a motion has been made and supported, there may be additional discussion by the Board.
- The Chair will call for a roll call vote.
- (7) **Motions.** The Chair shall restate motions before a vote is taken. The name of the maker and supporters shall be recorded. The motion shall state whether or not a practical difficulty or undue hardship has been found. The reasons for such a finding shall also be stated.
- (8) Voting. The concurring vote of a simple majority of the ZBA members shall be required to reverse an order, requirement, decision, or determination of the zoning officer to approve a non-use variance, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the zoning ordinance, and for all other business. Voting shall be by roll call unless the Chair decides another method of voting would be appropriate. All members of the ZBA, including the Chair shall vote on all matters except as provided below. The order of the voting members shall be varied.
 - a) No member shall abstain from voting on any matter except in the case of a conflict of interest as provided below in Section 3 (12) of these rules.
- **(9) Conditions.** The ZBA may modify a request or impose reasonable conditions designed to maintain the public health, safety and welfare of the City of Chelsea.
- (10) Withdrawals. In the event that an applicant withdraws an application after the notices have been sent and the meeting posted, the ZBA shall introduce the case and advise that the item has been withdrawn. A motion to accept the withdrawal will be entered. In the event that an applicant withdraws an application before the notices have been sent and the meeting posted, the ZBA shall receive a copy of the withdrawal, but no motion to accept the withdrawal shall be necessary.
- (11) **Dismissals.** When the applicant fails to appear at a properly scheduled meeting of the ZBA, the Chair may entertain a motion to dismiss the case for want of prosecution. In the absence of a motion, the Chair shall rule. In such cases, the applicant will be furnished a written notice of the action.
- (12) Conflict of Interest. A ZBA member shall declare a possible conflict of interest and reasons for such, after the introduction of a case. The ZBA shall discuss and determine if such a conflict exists. Fellow ZBA members shall make and support a motion to excuse the ZBA member with a possible conflict from deliberating. The excused member shall leave the meeting room during deliberation of the case. An alternate member may be called to serve as a member for the purpose of reaching a decision on the case. The excused ZBA member shall be called back prior to the introduction of the next case. In the event that the ZBA member is the applicant, then they shall be allowed to remain in the meeting to present their case.
 - a) Failure of a member to disclose a possible conflict of interest constitutes malfeasance in office.
- (13) Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:
 - Open the meeting call meeting to order, confirm recorder, if any, is on
 - Roll Call

- Confirmation of a Quorum
- Approval of Agenda
- Approval of Minutes Each set of minutes shall be approved individually
- Old Business Items that have been postponed or referred to staff
- New Business
- Other Business Administration or ZBA members may discuss upcoming items or interpretation concerns unrelated to agenda items
- Liaison Reports
- Public Comments
- Adjourn
- (14) Rules of Order. All meetings of the ZBA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by the most current edition of "Robert's Rules of Order."
- (15) Notice of Decision. The City shall send a copy of the approved minutes containing the ZBA decision and any conditions to the applicant within five business days of the minutes being approved.

SECTION FOUR - OFFICERS

- (1) Selection. Annually, at the July meeting, the ZBA shall select by majority vote from its membership, a Chair and Vice-Chair. Officers shall be eligible for re-election. If there is no July meeting, then the officers shall be elected no later than a September meeting or the next regularly held meeting after September.
- **Duties.** The Chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. If the Chair is not able to chair a meeting or portion of a meeting, the Vice-Chair shall act in place of the Chair for that meeting or portion of meeting.
 - a) The Vice-Chair shall act in the capacity of the Chair and shall succeed to the office of Chair in the event of a vacancy in that office.
 - b) If there is a vacancy in the office of Vice-Chair for whatever reason, the ZBA shall select a successor to the office of Vice-Chair at the earliest practicable time.
 - c) The Community Development Director or their designee shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business of the ZBA, issuing notices of public hearings and performing related administrative duties to assure efficient and informed ZBA operations.
- (3) Tenure. The officers shall take office at the next meeting after their election. They shall hold their offices until their successors are appointed and assume office.

SECTION FIVE - MINUTES

The minutes shall contain a synopsis of the meeting including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made on any action; and recording attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk.

SECTION SIX – OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- (1) All meetings of the ZBA shall be open to the public and held in a place available to the general public.
- (2) All deliberations and decisions of the ZBA shall be made at a meeting open to the public.
- (3) A person shall be permitted to address a hearing of the ZBA under the rules established in section 3 (6) and to address the ZBA concerning non-hearing matters under the rules established under section 3 (13) to the extent that they are applicable.
- (4) A person shall not be excluded from a meeting of the ZBA except for breach of the peace committed at the meeting.
- (5) All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

SECTION SEVEN - ANNUAL REVIEW

These rules of procedures shall be reviewed annually, at the July meeting, or if there is no July meeting, at the next regularly held meeting thereafter.

Care shall be taken to ensure that these rules shall not conflict with any federal or state law or City of Chelsea ordinance; however, if any such conflict exists, then the federal or state law or city ordinance shall override these rules, but only to the extent of such conflict.

SECTION EIGHT – AMENDMENTS

These rules may be amended by the ZBA by a concurring vote pursuant to section 3 during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

Item 6c

2024 Zoning Board of Appeals Meeting Schedule



City of Chelsea Zoning Board of Appeals 2024 Calendar

All meetings are to be held at 5 PM in the City Council Chambers at 311 S. Main Street

Meeting Dates

February 21

March 20

April 17

May 15

June 19

July 17

August 21

September 18

October 16

November 20

December 18