

Otsego County Zoning Board of Appeals

Approved Minutes for September 25, 2012/Regular Meeting

Call to Order: 6:00 pm by Chairperson Sagasser

Pledge of Allegiance

Roll Call:

Present: Chairperson Sagasser, Vice Chairperson Wagar, Mr. Alexander, Ms. Bono, Mr. Stults, Mr. Hoffman, Mr. Sumerix (*Alternate member to step in this meeting for Mr. McCarthy*)

Absent: Secretary McCarthy

Staff Present: Mr. Ferrigan, Ms. Boyak-Wohlfeil

Public Present: Brenda Cross

Approval of Minutes from July 31, 2012:

Mr. Alexander requested the following minute corrections: On page two (2) second (2nd) paragraph the addition of, "...building for retail trade *as defined in Article 2 Section 2.2 of the Otsego County Zoning Ordinance.*" and paragraph five (5) "...be clarified *as referenced above.*"; an addition under **New Business**, item two (2), *Reappointment recommended to the Otsego County Board of Commissioners.*; A reference to the minutes presented to the ZBA concerning an Auto Auction permitted in an AR zoning district and the deletion of an unnecessary motion to close nominations for elections.

Motion made to approve the minutes by Vice Chairperson Wagar as corrected; Seconded by Mr. Stults.

Motion approved unanimously.

Mr. Stults requested *ZBA/Land Use Procedural Discussion* be added to the agenda under **New Business**.

Chairperson Sagasser requested a motion approving the revised agenda.

Motion made by Mr. Stults; Seconded by Mr. Hoffman.

Motion approve unanimously.

Citizen Comment Regarding Items not on the Agenda:

Brenda Cross discussed her views on Otsego County subcontracting building inspectors/enforcement officers and stated she thought a County enforcement officer on staff would be better. She also did not agree with the fact complaints were kept anonymous.

Mr. Stults stated this issue had nothing to do with the Zoning Board of Appeals and was not within their jurisdiction to resolve. He also stated the Land Use Violation Enforcement Policy Mrs. Cross was referring to, was an administrative document and not part of the Zoning Ordinance.

Mr. Sumerix, Otsego County Commissioner, stated the issue had been brought to the Board of Commissioner's attention approximately a month earlier and had been addressed. A Commissioner's meeting had been held that morning and the issue discussed with the Finance Department. It was decided the hiring of an enforcement officer was not feasible at this time but the County would consider it in the future.

Chairperson Sagasser explained the Zoning Board of Appeals purpose was to interpret the Zoning Ordinance and Mr. Ferrigan, Land Use Services Director, was responsible for enforcing that Ordinance.

Otsego County Zoning Board of Appeals

Approved Minutes for September 25, 2012/Regular Meeting

Mr. Ferrigan stated Section 22.4 Violations of the Zoning Ordinance gave his staff the authority to inspect and enforce. He also stated his records were open to the public and because the ordinance stated confidentiality on information pertaining to violation complaints, his name would show up as the filer the majority of the time.

Chairperson Sagasser thanked Mrs. Cross for presenting her information.

Public Hearing: ZBA12-001 Fam B Inc/Sign Variance
Applicant withdrew application.

Old Business:

- a. Definition of Agriculture and allowance of building for retail trade

Forwarded to Planning Commission/Postponed until next Planning Commission meeting

- b. Section 9.2.4 and Section 18.20 discrepancies between ten (10) acres and forty (40) acre requirement

Forwarded to Planning Commission/Postponed until next Planning Commission meeting

New Business:

1. ZBA12-001 Fam B Inc/Sign Variance
Applicant withdrew application.

2. Land Use Procedural Discussion

Mr. Stults stated all information sent to the Townships for review should be the same information that is sent to ZBA members. He also requested support for allowing the Townships the maximum time to examine all information presented before a Public Hearing is scheduled by Land Use Services.

Mr. Stults made the following motion; Seconded by Mr. Hoffman:

A motion that the Zoning Administrator be directed to schedule Public Hearings that require Township participation as required in Article 24 of the Zoning Ordinance and the contracts for which the townships provide funding to the Township's County wide zoning after the townships have responded or the time limit for a response has passed as stated in Article 24. Further the townships should be provided the same information to base their recommendation on as the Zoning Board of Appeals members are provided.

Mr. Alexander stated according to Article 24 Township Participation of the Zoning Ordinance it was already required of the Land Use Director to do just that.

Mr. Alexander stated according to ZBA by-laws, additions to the agenda needed a seven (7) day notice if an item required a motion and a vote.

Mr. Stults stated this was a directive to Mr. Ferrigan to follow *Article 24 Township Participation* so the ZBA could carry through with their responsibility and obligation to the Townships. This was a recommendation to the Zoning Board of Appeals in support of Mr. Ferrigan.

Otsego County Zoning Board of Appeals

Approved Minutes for September 25, 2012/Regular Meeting

Mr. Ferrigan responded that it *was* his intent to follow the ordinance. He was looking for support from the Zoning Board of Appeals in following the time line stated in the Zoning Ordinance and so as not to be pressured by the applicant. He also stated the same information was sent to the Townships as to the ZBA members unless something was received last minute or after the Township's meeting.

Chairperson Sagasser stated it was the applicant's responsibility to get all information to Mr. Ferrigan in a timely fashion and the Zoning Board of Appeals would support him in his efforts.

After the discussion, Mr. Stults withdrew his motion.

Communications: None

ZBA Member Items: None

Adjournment: 7:45 pm

Christine Boyak-Wohlfeil, Recording Secretary