

VILLAGE OF BANCROFT
ZONING BOARD OF APPEALS
(Resolution No. 22-01)
Enacted: September 1, 2022

**RESOLUTION REGARDING APPEAL OF ZONING ADMINISTRATOR'S JUNE
6, 2022 OPINION DETERMINING EXISTENCE OF "DWELLING UNIT" IN
SKETCH SUBMITTED BY WELCOME HOME VETERANS, LLC**

WHEREAS, the architect for Welcome Veterans Properties LLC (hereafter referred to as "WHV") sought direction from the Village of Bancroft's Zoning Administrator as to whether the layout of proposed residential units met the definition of "dwelling units" under the Village of Bancroft's Zoning Ordinance. After discussing the issue via phone, the architect, on or about May 17, 2022, sent an email to the Zoning Administrator that simply said "[a] very quick sketch" and attached an excerpt of a building floor plan that showed the outline of a proposed one-person and two-person units upon the WHV property located at 251 Prior Road in the Village of Bancroft. The entire property is a 15 acre parcel upon which sits the former Wilbur Bills Elementary School and is legally described as:

*SEC 35, T6N, R3E BANCROFT VILLAGE E 15 ACRES OF N 30 ACRES OF NW 1/4
OF NE 1/4 15 ACRES*

Pursuant to a September 2021 Stipulated Order Resolving The Case involving 35th Circuit Court Case *Welcome Home Veterans Properties, LLC vs. Village of Bancroft*, case 21-5996-CS, WHV was to apply for a split of the parcel wherein the existing, former Wilbur Bills Elementary School and some surrounding areas was to be split and rezoned M-1A from the rest of the entire 15 acre parcel. That property split and subsequent rezoning remains pending at this time.

WHEREAS the Village's Zoning Administrator reviewed the floor plan excerpt provided by WHV and issued a June 6, 2022 email indicating that in his opinion, the units outlined in the sketch constituted "dwelling units" under the Village's Zoning Ordinance. On or about July 5, 2022 Troy and Donna Hall (hereafter referred to as the "Appellants") filed an appeal (dated July 2, 2022) with the Village Clerk challenging the opinion of the Zoning Administrator's decision. On or about July 25, 2022, WHV, through their attorneys, Zaleski Law Firm, PC filed a response letter to the appeal. The Village Council met and filled some vacant positions on the ZBA and a public hearing on the appeal was scheduled before the ZBA on September 1, 2022.

WHEREAS pursuant to Sections 5.2.5 and 9.3.5 of the Zoning Ordinance, Notice of the date, time, location and purpose of the public hearing on this appeal was published in the Owosso Press on August 17, 2022 as required. Notice was posted on the Village website and sent via first class US mail to the Appellants, WHV, and all property owners within 300 feet of the WHV parcel. The public was notified as to the availability of materials related to this matter including review at the Village Hall

during regular business hours and being available for download off the Village website.

WHEREAS the ZBA held a public meeting on Thursday, September 1, 2022 at 6:00 p.m. at the Bancroft Community Hall at 108 Warren Street in Bancroft, Michigan. An opportunity was provided for the ZBA members to receive comments from the Appellants, WHV and their representatives and from the public. After receive such comments, the ZBA discussed the matter in a public meeting.

WHEREAS the Village's Zoning Ordinance, in Section 5.3.3 *Interpretation*, indicates that the ZBA is empowered to (1):

interpret, upon request, the provisions of this [Zoning] Ordinance in such a way as to carry out the intent and purpose of the Ordinance.

Further, pursuant to Section 5.3.1 *Powers*, the ZBA"

shall not have the power to alter or change the zoning district classification of any property, nor to make any change to the terms or intent of this [zoning] Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance, as defined in this section.

IT IS HEREBY RESOLVED that having considered the Zoning Ordinance, the Zoning Administrator's Opinion, the Appeal filed by the Halls, WHV's position and public comments, the ZBA determines that:

- ☐ Approves the Zoning Administrator's June 6, 2022 Opinion.
- ☐ Overturns the zoning Administrator's June 6, 2022 Opinion.
- ☒ Other:

ZBA determines that based on new plans dated July 12, 2022 the proposed layout meets the zoning ordinance definition of "dwelling unit" because designed exclusively for residential occupancy by one family and having cooking facilities including microwave, fridge, counter-top, sink and food storage.

Adopted at a special regular meeting of the Village of Bancroft's Zoning Board of Appeals on the 1st day of September 2022.

Motion by: Blaine Love Second By: Ed Labadie

Yeas: B. Love, John Love and Ed Labadie.

Nays: Steve Fuller and Caleb Hutchins

Absent: NONE

BANCROFT ZONING BOARD OF APPEALS - Members

By: [Signature] BLAINE LOVE
Signature Printed Name

By: [Signature] ED LABADIE
Signature Printed Name

By: [Signature] STEVEN FULLER
Signature Printed Name

By: [Signature] JOHN LOVE
Signature Printed Name

By: [Signature] CALEB HUTCHINS
Signature Printed Name

CLERK'S CERTIFICATION

The forgoing Resolution was approved at a special meeting of the Village of Bancroft's Zoning Board of Appeals on the 1st day of September 2022.

Tina Holmes
Tina Holmes, Village Clerk

Drafted by: Christopher S. Johnson (P58746), Gormley and Johnson Law Offices, PLC, Attorneys for the Zoning Board of Appeals
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