

MINUTES ZONING BOARD OF APPEALS
Appeal of Village Council Decision
10888 US Hwy 23 Mackinaw City Parcel #014-020-100-004-00
Gilbert and Gilbert (Richard Barth) 2015-AA-003
PUBLIC HEARING
MACKINAW CITY

7:00 PM

February 04, 2016

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Robert R. Heilman called the meeting to order and with the following Trustees present –Belinda Mollen, Scott Newman, Robert Glenn, Tom Chastain, and Paul Michalak. Absent-Mario Rodriguez. Also present, Kenneth Lane-Attorney, Fred Thompson Jr.-Zoning Administrator and Lana Jaggi-Clerk.

Visitors – List Attached.

Pres. Heilman informed the ZBA and the public the Pledge of Allegiance would be recited during the regular meeting and all discussion or comments must regard the Village Council decision to deny rezone request.

Public Comments:

8 Letters In Favor Opposition to Appeal Decision were submitted and placed on file.
Chris Foer-Condo Owner, Shores of Mackinac-Opposed to Appeal
Jim Mercer-Condo Owner, Shores of Mackinac-Opposed to Appeal

Attorney Lane gave a brief summary on the voting history regarding the request to rezone and the concluding decision to deny.

Attorney James Gilbert, on behalf of his client Richard Barth, explained reason of appeal and to ask clarity of why it was denied.

Motion Newman seconded Mollen to affirm the decision to deny the rezoning request:

-On December 18, 2014, based upon the recommendation and rationale provided by the Village Planning Commission, the Village Council denied the rezoning request submitted by Richard Barth/TRM Investments relating to the property at 10888 W. US 23;

-In accordance with Section 24-104 if the zoning ordinance, the ZBA has received public comment, materials and documents relating to an appeal that denial as filed by Gilbert & Gilbert;

-After consideration of such items, the ZBA affirms the denial of the Village Council;

-The ZBA finds that the denial: (1) was consistent with the zoning ordinance; (2) was in accordance with proper procedure; and (3) was within the reasonable

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discretion of the Village Council based on rationale provided by the Planning Commission.

Roll Call: Yeas-Mollen, Newman, Heilman, Glenn, Chastain, Michalak. Absent-Rodriguez. Motion carried. Village Council decision to deny remains.

Adjournment 7:20 PM

Respectively Submitted;

Robert R. Heilman; President

Lana Jaggi; Clerk