

**CITY OF MASON
ZONING BOARD OF APPEALS MEETING
MINUTES OF OCTOBER 9, 2019**

Sabbadin called the meeting to order at 5:30 p.m. in the Maple Room at 201 W. Ash Street, Mason, Michigan.

Present: Crips, Fisher, Harris, Madden, Sabbadin, Wilson

Absent: McCormick

Also present: Elizabeth A. Hude, AICP, Community Development Director; Thomas M. Hitch, Esq., City Attorney

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Director Hude noted Mr. Bonfiglio had a correction on page 3 of 5, 2nd paragraph, 'Fannie Mae and Freddie Mac, ask if the Condo Association is functioning and if it is not, they will still proceed with the closing.' and would like to amend the minutes to reflect that correction.

MOTION by Crips second by Madden, to approve the amended Zoning Board of Appeals minutes from the September 9, 2019 special meeting.

YES (6) Crips, Fisher, Harris, Madden, Sabbadin, Wilson

NO (0)

ABSENT (1) McCormick

MOTION APPROVED

UNFINISHED BUSINESS

A. Correspondence received from Esquire Development and Construction, Inc. regarding the detention pond and communication with Franklin Farms Condominium Co-owners.

Sabbadin noted that a letter from Mr. Bonfiglio had been received and that there is no action to be taken.

Director Hude acknowledged that Mr. Bonfiglio was present as the author of the letter. He was following through and taking action to reach out to the homeowners to try to organize and resolve the issue regarding the detention pond. She deferred back to the chairman as to whether Mr. Bonfiglio can respond.

Sabbadin invited Mr. Bonfiglio to respond.

Mr. Bonfiglio presented a letter to add to the record that is addressed to City Council. He presented the letter at the October 7 City Council meeting. He is asking City Council to take action and file a Chapter 8 petition due to lack of response from the homeowners.

Sabbadin noted there is no action to take but if anyone had questions, they are free to ask. He feels the board has done their due diligence on the matter. Mr. Bonfiglio asked if the board would reconsider their ruling and take off the conditions as he is making an effort to get the situation taken care of. Sabbadin replied that he didn't think Mr. Bonfiglio could make that motion.

Director Hude noted that by approving the minutes tonight, that starts the clock on the 21-day appeal period. Mr. Bonfiglio would like the ZBA to reconsider their decision to allow time for City Council to research the matter regarding a Chapter 8 petition. He feels the drop-dead appeal date will hurt everyone and more time would be beneficial.

Sabbadin responded that they should stand by their decision, if the City Attorney feels they should reconsider then it can be brought forward to the next meeting. Director Hude stated she believed that at a minimum, it should be placed on the agenda with the required public notice.

Mr. Bonfiglio is concerned that there isn't enough time before the next meeting as the clock starts now. Sabbadin noted that he could request a special meeting. Director Hude replied that she would want to revisit the law to proper procedure on the matter. She would take note of Mr. Bonfiglio's request and get back with him.

Madden shared from the City Council that Mr. Bonfiglio was present at the October 7 meeting and that staff is researching the issue but they will not have information until the next City Council meeting on October 21. They are aware of the time sensitivity.

Crips asked for clarification on the timeline and Mr. Bonfiglio's options. Director Hude responded that there are two ways the appeal period clock starts. The first is when the chair of the ZBA signs the resolution, a 45-day appeal period begins. In Mason the Clerk signs resolutions and so this does not apply. Instead, Mason follows the second option – a 21-day appeal period begins after the ZBA approves the minutes of the meeting at which a decision was made. Mr. Bonfiglio now has 21 days to file an appeal of the ZBA decision. Crips asked if there is a fee for an appeal. Director Hude replied that the appeal is filed with the court not with the City of Mason. Wilson asked if Mr. Bonfiglio's request for reconsideration would pause the 21 days. Director Hude replied she believed it would not.

Mr. Bonfiglio noted that the ZBA could reconsider approval of the minutes. Director Hude responded that she would have taken it into consideration if she had known, but she was not informed of the October 7 City Council letter or that Mr. Bonfiglio would be present this evening. Mr. Bonfiglio stated that he assumed Ms. Hude knew about the City Council letter. Director Hude replied that she was not CC'd on the letter and that it was presented to City Council.

Crips asked Mr. Bonfiglio, after reading through the letters, if he was not met with good acceptance from the homeowners. Mr. Bonfiglio responded that he was not. Madden asked about the response from homeowners. Mr. Bonfiglio answered that he got one response from a homeowner interested in going to the Drain Commission. He heard some 2nd and 3rd hand responses that were very negative or indifferent to the whole thing.

NEW BUSINESS

Sabbadin referenced the 2020 Meeting Schedule in the packet. Wilson stated that he would not be in attendance at the March 11 meeting. Director Hude asked if the Outlook appointments for the meeting worked for everyone. Everyone was fine with the Outlook appointments continuing. Crips stated that he would not be available for a November meeting.

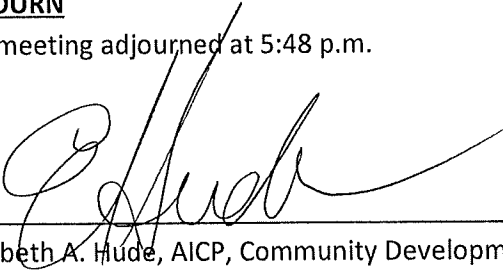
LIAISON REPORT

Madden reiterated that Mr. Bonfiglio presented a letter to City Council on Monday, October 7, and that staff is researching the City's options in the matter.

Director Hude thanked everyone for their service and the work they put into this case.

ADJOURN

The meeting adjourned at 5:48 p.m.

A handwritten signature in cursive script, appearing to read 'E. Hude', written over a horizontal line.

Elizabeth A. Hude, AICP, Community Development Director