

Birmingham Board Of Zoning Appeals Proceedings
Tuesday, July 11, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, July 11, 2023. Chair Morganroth convened the meeting at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth; Board Members Kevin Hart, Richard Lilley, Pierre Yaldo

Absent: Vice Chair Jason Canvasser; Board Members John Miller, Ron Reddy; Alternate Board Member Carl Kona

Staff: Building Official Johnson; City Transcriptionist Eichenhorn, Assistant Building Official Zielke

Chair Morganroth welcomed those present and reviewed the meeting's procedures. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-judicial board and sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. He pointed out that this board does not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

Chair Morganroth took rollcall of the petitioners. BO Johnson explained that since less than six BZA members were present, the appellant for Appeal 23-21 elected to postpone their appeal to the August 2023 meeting.

3. Announcements

Announcements can be found in the evening's agenda packet.

4. Approval Of The Minutes Of The BZA Meetings Of June 13, 2023

T# 07-30-23

Motion by Mr. Hart

Seconded by Mr. Yaldo to approve the minutes of the BZA meeting of June 13, 2023 as submitted.

Motion carried, 4-0.

VOICE VOTE

Yeas: Hart, Lilley, Morganroth, Yaldo

Nays: None

- 5. Appeals**
- 6. Correspondence**
- 7. Open To The Public For Matters Not On The Agenda**
- 8. Adjournment**

No further business being evident, the Board motioned to adjourn at 7:33 p.m.



Bruce R. Johnson, Building Official



Laura Eichenhorn, City Transcriptionist