

Village of Ortonville
Township Offices – 395 Mill Street, Ortonville, MI 48462
Zoning Board of Appeals Minutes
August 25, 2008 – 7:00 p.m.

President Quisenberry called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Roll Call: Present: Champion, Green, Batten, Eschmann, Nivelte, Quisenberry
Absent: Kassuba, with notice.

Also Present: Ed Coy-Village Manager, Julie Alexander-Recording Secretary/Village Clerk, and approximately 12 residents.

Home Occupation – Elizabeth Waters dba Trinity Photography

Ms. Waters submitted a request to open a photography business in her home located at 117 South Street. Per the Ordinance, ZBA approval is required in order to establish a home occupation. Trinity Photography meets all the criteria allowing this business. There is no retail, no need for structural alterations, and the portion of the house used for business does not exceed 20% of the total square footage. Ms. Water also stated that much of her work is conducted at other locations and customers would visit the home on a limited basis by appointment only. It was clarified that home occupation permits are nontransferrable. It was also noted that 117 South Street is zoned B1. Signage that meets Village regulations would be allowed without a variance for this business.

Motion by Champion, seconded by Nivelte, to allow Trinity Photography at 117 South Street.

Roll Call:
Ayes: Champion, Green, Batten, Eschmann, Nivelte, Quisenberry
Nays: None.

Motion passed.

Appeal of Regulated Use Decision – Tranquility Spa

Ms. Vercammen submitted a request to open her business, Tranquility Spa, at 4 North Ortonville Road. This is an established business presently located in the Bueche's complex on M-15. Because massages are offered at the Spa, a variance is required. The ordinance references massage parlor's being a regulated use that is not allowable within 250 feet of residential zoning. The Village Manager & Building Inspector have reviewed Ms. Vercammen's application. No structural changes are planned so a building permit is not required at this time. However, due to the regulated use portion of the ordinance (referencing massage parlor's), her application was denied. Multi-family zoning is within 250 feet. There was discussion over the intent of the ordinance as it was written.

Ms. Vercammen is here to appeal. There was discussion by Council over the interpretation of the ordinance and whether it should apply to this business. Many other services are offered at Tranquility Spa. The Village Manager noted his support of this business moving into the Village. Council stated that the ordinance is broad and subject to interpretation. It was clarified that the ZBA's responsibility is to interpret the ordinance as it was written. There was discussion about the need for updating vague ordinances.

Motion by **Nivelt**, seconded **Champion**, to allow Tranquility Spa at 4 North Ortonville Road.

Roll Call:

Ayes: Champion, Green, Batten, Eschmann, Nivelt, Quisenberry

Nays: None.

Motion passed.

Motion by **Batten**, seconded by **Nivelt**, to adjourn the Zoning Board of Appeals meeting.

All in favor, the Motion carried.

The meeting was adjourned at 7:24 p.m.

Respectfully Submitted,

Julie Alexander
Village Clerk/Recording Secretary