

**SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
FEBRUARY 11, 2015– BOARD MINUTES**

1. **CALL TO ORDER:** Chairman Martin called the regularly scheduled monthly Zoning Board of Appeals public hearing to order at 7:00 P.M. on Wednesday evening, February 11th, 2015. The hearing was held within the County Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Coruna, MI.
 - a. **ROLL CALL:** Present: Fred Junger, Bradly Hissong, Henry W. Martin III, Duane Wood, Julie Hales-Smith. Absent: Ann Gamboe Hall. Also present: Peter Preston, Community Development Director and Matthew Lafferty, Assistant County Planner. Note: Ann Gamboe Hall arrived at 7:07 P.M. following the approval of the Board minutes.
 - b. **EXCUSED ABSENCES:** None
2. **PROOF OF PUBLICATION:** The board was informed that a legal notice of the scheduled hearing had been posted within the Shiawassee County Independent on January 25th, 2015 and proof of publication was on file. Chair Martin declared the hearing as legally noticed.
3. **APPROVAL OF THE AGENDA: Motion:** Fred Junger moved to add officer elections and the approval of bylaws to the agenda. **Support:** Brad Hissong. **Motion carried: 5 ayes, 0 nays.**
 - a. **Officer Elections: Motion:** Fred Junger moved to nominate Henry Martin as Chairman of the Board. **Support:** Duane Wood. **Motion carried: 5 ayes, 0 nays.** **Motion:** Julie Hales-Smith moved to nominate Ann Gamboe Hall as Vice-Chairman of the Board. **Support:** Fred Junger. **Motion carried: 5 ayes, 0 nays.**
 - b. **Approval of Bylaws: Motion:** Fred Junger moved to approve the bylaws of the Shiawassee County Zoning Board of Appeals as adopted March 11, 2009. **Support:** Duane Wood. **Motion carried: 5 ayes, 0 nays.**
4. **APPROVAL OF BOARD MINUTES: Motion:** Brad Hissong moved to approve the December 3rd, 2014 board minutes as printed. **Support:** Duane Wood. **Motion carried: 5 ayes, 0 nays.**
5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** None.
6. **COMMISSIONER COMMENTS:** None.
7. **OLD BUSINESS:** None.
8. **NEW BUSINESS:**

8.a. Application Request #PZBA15-001

Applicant – Robert & Rose Moye, 4501 Seib Rd., Laingsburg, MI

Property Owner – Fred & Katha Moye, 9121 Bennington Rd., Laingsburg, MI

Site Location – 9121 Bennington Rd., Laingsburg, MI 48848; **Tax Id.#** 78-009-09-200-001-03; Section 9, Sciota Township.

Request – To allow a single-family dwelling on an approximately 8.19-acre parcel which exceeds the maximum lot size requirement of 2.5-acres by approximately 5.69-acres.

Ordinance Reference – Section 2.5.2.A

Preston provided the staff report. The property subject to variance request is located on the south side of W. Bennington Rd. and is approximately 1,820' east of the intersection of Seib Rd. and W. Bennington Rd. The subject property is approximately 2.5-acres in size with approximately 456' of frontage and is approximately 250' in depth. The adjacent property from which the subject property is seeking to transfer land from is approximately 42.44-acres. The Board of Appeals is being petitioned to allow a single-family dwelling on an approximately 8.19-acre parcel which exceeds the maximum lot size requirement of 2.5-acres by approximately 5.69-acres.

The applicants, Robert & Rose Moye, explained that the drain field is on part of the vacant property that they wish to give to the owner of the subject property, Fred & Katha Moye. They wish to have the property line expanded to the county drains to the south and west.

Chair Martin thanked the applicants and opened the floor for public comment in support of the applicant's request. Hearing none, Martin called for public comment in opposition of the request. David White stepped forward to speak. He stated that they should stay with what the ordinance states and keep the parcel at less than the 2.5-acres.

Martin called for Township input. Michael Reed, a trustee for the Township, stated that he personally felt that it will set precedence, although the board as a whole has not made a decision on the matter.

Chair Martin calls for any comments by the Board.

The board discussed the location of the well and septic systems. Junger states that the reasoning of the ordinance limiting 2.5-acres is for the preservation of farmland. Applicant states that there is no intent to farm the land.

Chair Martin entertains a motion.

Motion: Ann Gamboe Hall motioned to Postpone request PZBA15-001, MOYE, for the proposed 5.69-acre variance from Section 2.5.2.A in Section 9, Sciota Township (parcel Id. #78-009-09-200-001-03), based upon the following reasoning:

1. Additional information is necessary to assess the basic findings as set forth in Section 18.4.6 of the Ordinance.

Support: Duane Wood.

**Chair Martin called for all in favor to postpone say aye and all that oppose say nay.
Hearing all ayes and no nays, Motion to Postpone Carries.**

8.b. Application Request #PZBA15-002

Applicant/Owner – Emily & Joshua Crambell, 5477 Colby Rd., Owosso, MI

Site Location – 5477 Colby Rd., Owosso, MI 48867; **Tax Id.#** 78-011-17-300-004;
Section 17, Shiawassee Township.

Request – To allow a single-family dwelling on an approximately 5-acre parcel which exceeds the maximum lot size requirement of 2.5-acres by approximately 2.5-acres.

Ordinance Reference – Section 2.7.2.A

Lafferty Provided the staff report. The property subject to variance request is located on the east side of Colby Rd. and is approximately 2,820' south of the intersection of Garrison Rd. and Colby Rd. The property is approximately 2-acres in size with approximately 330' of frontage and is approximately 264' in depth. The adjacent property from which the subject property intends to add land from is approximately 187-acres in size with approximately 1240' of frontage on Colby Rd. The Board of Appeals is being petitioned to allow a single-family dwelling on an approximately 5-acre parcel which exceeds the maximum lot size requirement of 2.5-acres by approximately 2.5-acres.

The applicant, Joshua Crambell, explained that the land is used for agriculture and will continue to be used for agriculture. They want to have enough land for his horses because his wife, Emily Crambell participates with FFA students.

Chair Martin thanked the applicants and opened the floor for public comment in support of the applicant's request. Hearing none, Martin called for public comment in opposition of the request. Hearing none, Martin called for Township input. Preston stated that no township input has been made.

Chair Martin calls for any comments by the Board.

The board discussed what was needed to maintain horses and if it was possible to lease the land. The applicant does says that they currently have the horses on his father's property and it is inconvenient for both parties to house the horses there.

Chair Martin reads the letter of support from Linda & Clark Crambell and the letter of support from Christine Tuller who is a nearby neighbor.

Chair Martin asked staff to review the Findings of Fact.

Findings of Fact: Section 18.4.6 of the Ordinance outlines findings that must be made for the Board of Appeals to take action.

1. How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.

Staff: The Board of Appeals should discuss if the Ordinance imposes a practical difficulty or an unnecessary hardship. The Board should also discuss if there are other potential methods of achieving the intended result in conformance with the goals and objectives of the Ordinance.

Board Member Comments: The Board stated that the Ordinance does not pose an unnecessary hardship. The board concurred with all findings.

2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.

Staff: The Board of Appeals should discuss unique physical circumstance, such as topography, wetlands, or vegetation that may be causing practical difficulties. The Board of Appeals should also discuss the intent of the applicant concerning the agricultural use of the property and that adjacent property to be added from the family farm.

Board Member Comments: The board stated that there were no unique physical circumstances such as topography or wetlands causing a practical difficulty. The board concurred with all findings.

3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.

Staff: The Board of Appeals should discuss unique physical circumstance, such as topography, wetlands, or vegetation that may be causing practical difficulties.

Board Member Comments: Again, the board stated that there were no unique physical circumstances such as topography or wetlands causing a practical difficulty. The board concurred with all findings.

4. Finding that the practical difficulty was not created by the applicant and is related only to property that is owned or occupied by the applicant.

Staff: If the Board of Appeals finds a practical difficulty then it could be determined that such practical difficulty was not caused by the applicant but inherent to the physical circumstance of the property.

Board Member Comments: The board stated that the practical difficulty was being created by the applicant and was not inherent to the physical circumstance of the property. The board concurred with all findings.

5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.

Staff: It does not appear that the intent of the property in this manner would impact adjacent properties or the public health, safety and welfare of the community in general.

Board Member Comments: The board stated that this would be setting precedence for the adjacent properties. The board concurred with all findings.

6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a special use permit is necessary.

Staff: To the best of our knowledge, the proposed variance does not permit the establishment of any use for which a special use permit is necessary.

Board Member Comments: The board concurred with all findings.

7. Findings on whether the proposed development complies with the requirements, standards, or procedures given in the Zoning Ordinance or an interpretation of the disputed ordinance provisions, if applicable.

Staff: If the variance were to be approved, it appears that the intended use of the property for single-family residential purposes and maintaining horses would be in compliance with requirements, standards and procedure in the Ordinance.

Board Member Comments: The board concurred with all findings.

8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.

Staff: It is not readily apparent if any error in judgment or procedure has been made in administration of the Ordinance.

Board Member Comments: The board concurred with all findings.

9. The possible precedents or affects which might result from the approval or denial or the appeal.

Staff: The Board of Appeals may wish to discuss possible precedent and if other properties exist that are similar and may require variance as well.

Board Member Comments: The board stated that it would be creating a precedence if approved. The board concurred with all findings.

10. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

Staff: It does not appear that this variance would impact the County or other governmental unit in the provision of services.

Board Member Comments: The board concurred with all findings.

Motion: Fred Junger moved to **Deny** request PZBA15-002, CRAMBELL, for the proposed 2.5-acre variance from Section 2.7.2.A as legally described in Section 17, Shiawassee Township (Parcel Id. #78-011-17-300-004), based upon the following reasoning:

1. The proposal does not satisfy the basic findings as set forth in Section 18.4.6 of the Ordinance

Support: Julie Hales-Smith.

Roll Call: Ayes to Deny: Fred Junger, Ann Gamboe Hall, Bradly Hissong, Henry Martin, Duane Wood, Julie Hales-Smith. **Nays:** None. **Motion carried: 6 ayes, 0 nays.**

9. **INTERPRETATIONS OF ZONING ORDINANCE:** None.

10. **ZONING ADMINISTRATOR'S REPORT:** Preston said that we often advertise in the Independent newspaper for public hearings and it has been brought to our attention that it sometimes is not in the Perry edition. We intend to advertise public meetings in all of the editions within Shiawassee County. Staff is currently working on speeding up the review process. Staff is moving to have a uniform process when it comes to land divisions and the plan to tie together Community Development software with Equalization software will help. Also we are seeking help from the prosecutor's office when it comes to land divisions and surveys.

11. **BOARD MEMBER COMMENTS:** None.

12. **PUBLIC COMMENT:** Mr. White has stated that he thinks it is a good idea to have the A-2 district down to 10-acre lot size instead of the current 20-acres.

13. **ADJOURNMENT:** **Motion:** Henry Martin moved to adjourn. **Support:** Brad Hissong. **Motion carried:** 6 ayes, 0 nays. The public hearing adjourned at approximately 8:40 P.M.

Recording Secretary: Matthew Lafferty

Approval Signature
Shiawassee County Zoning Board of Appeals

Approval Date