

**SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
JULY 8, 2015– BOARD MINUTES**

1. **CALL TO ORDER:** Chair Henry W. Martin III called the regularly scheduled monthly Zoning Board of Appeals public hearing to order at 7:00 P.M. on Wednesday evening, July 8th, 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 Corunna, MI.
 - a. **ROLL CALL:** Present: Fred Junger, Bradly Hisson, Duane Wood, Julie Hales-Smith, Robert Ebmeyer, Ann Gamboe Hall and Henry W. Martin III. Absent: None. Also present: Peter Preston, Community Development Director and Matthew Lafferty, Land Use Planner.
 - 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 Sunday June 28th, 2015 edition of the Shiawassee County Independent to all of their zones and that proof of publication was on file. Chair Henry Martin declared the hearing as legally noticed.
3. **APPROVAL OF THE AGENDA: Motion:** Duane Wood moved to approve the agenda as printed. **Support:** Robert Ebmeyer. **Motion carried: 7 ayes, 0 nays.**
4. **APPROVAL OF BOARD MINUTES: Motion:** Duane Wood moved to approve the June 10th, 2015 board minutes as printed. **Support:** Julie Hales-Smith. **Motion carried: 7 ayes, 0 nays.**
5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** None.
6. **COMMISSIONER COMMENTS:** None.
7. **OLD BUSINESS:**
 - 7.a. **Application Request #PZBA15-008**
Applicant – Levi and Amanda Martindale
Owner – Don Francis and Levi and Amanda Martindale
Site Location – 5801 E. Six Mile Creek Rd., Corunna, MI 48817; **Tax Id.#** 78-003-13-200-001-02 and 78-003-13-200-002-01; Section 13, New Haven Township.
Request – To allow a single-family dwelling on an approximately 3.5-acre parcel which exceeds the maximum lot size requirement of 2.5-acres by approximately 1-acre.
Ordinance Reference – Section 2.7.2.A

Motion: Robert Ebmeyer moved to bring item #PZBA15-008 off of the Table. **Support:** Ann G. Hall. **Motion carried: 7 ayes, 0 nays.**

Preston provided the staff report. The property subject to variance request (Parcel A) is located on the north side of E. Six Mile Creek Rd. and is approximately 420' west of the intersection of Geeck Rd. and E. Six Mile Creek Rd. Parcel A (Parcel Id. #78-003-13-200-002-01) is approximately 2.5-acres in size with approximately 332' of frontage and is approximately 328' in depth. Parcel A and contains one (1) single-family residential structure and one (1) associated accessory structure. The adjacent property (Parcel B, Parcel Id. #78-003-12-200-001-02) is approximately 1.96-acres in size with approximately 185' of frontage and is approximately 328' in depth. Parcel B is currently vacant land. A portion of Parcel B is to be combined with Parcel A and the other portion is to be combined with Parcel C (Parcel Id. #78-003-13-200-001-01).

The applicant wishes to combine an approximately 1-acre portion of Parcel B with Parcel A. The proposed parcel is approximately 3.5-acres in size with approximately 458' in frontage and is approximately 328' in depth. The remainder of Parcel B is to be combined with an adjacent parcel to Parcel C. The petition for variance is to allow a single-family dwelling on Parcel A to exceed the maximum lot size requirement of 2.5-acres. The Board of Appeals is being petitioned to allow a single-family dwelling on an approximately 3.5-acre parcel which exceeds the maximum lot size requirement of 2.5-acres by approximately 1-acre.

The Chair opened the floor for public comment in support of the applicant's request. Hearing none, the Chair called for public comment in opposition of the request. Hearing none, the Chair called for Township input. Dan Winters, representing New Haven Township planning board expressed his concerns about the land division process and the vulnerability of errors to be made.

Motion: Robert Ebmeyer moved to close the public hearing. **Support:** Duane Wood. **Motion carried: 7 ayes, 0 nays.**

Discussion between the Board members took place.

Preston presented the findings of fact. All findings of fact were in agreement.

Chair Martin entertained a motion.

Motion: Ann Gamboe Hall moved to **approve** request PZBA15-008, MARTINDALE, for the proposed 1-acre variance from Section 2.7.2.A as legally described in Section 13, New Haven Township (Parcel Id. #78-003-13-200-002-01), based upon the following reasoning and conditions:

Reasoning:

1. This is a unique situation where the parties relied upon an expert, where they believed that the individual obtained appropriate government approvals and had an understanding of zoning.

Conditions:

1. That the 3.5-acre property may not be divided.

Support: Fred Junger.

Roll Call: Ayes to Approve: Fred Junger, Duane Wood, Julie Hales-Smith, Robert Ebmeyer and Ann Gamboe Hall. **Nays:** Bradly Hissong and Henry Martin. **Motion carried: 5 ayes, 2 nays.**

8. NEW BUSINESS:

8.a. Application Request #PZBA15-009

Applicant/Owner – Jessica Ocenasek

Site Location – 8400 Colby Lake Rd., Laingsburg, MI 48848; **Tax Id.#** 78-009-34-200-005-07; Section 34, Sciota Township.

Request – To allow a Community Residential Care Facility (Group Day Care Facility) to be located on an unpaved, local gravel road.

Ordinance Reference – Section 4.3.17.2

Lafferty provided the staff report. The property subject to variance request is located on the west side of Colby Lake Rd. in Section 34 of Sciota Township. The subject property is approximately 1.7-acres in size with approximately 200' of frontage and is approximately 366' in depth. The property contains a single-family residential structure with no accessory structures on the property.

The applicant wishes to utilize an existing single-family residential structure for the purposes of establishing a group home day care facility for up to twelve (12) children and two (2) staff. Pursuant to Section 4.3.17 community residential care facilities providing supervision or care (or both) to more than six (6) persons but less than thirteen (13) persons are permitted by special land use approval in the A-2 district with the requirement of being located on a paved public road or street. The petition for variance is to allow a Community Residential Care Facility (Group Day Care Facility) to be located on an unpaved, local gravel road.

The Chair opened the floor for public comment in support of the applicant's request. Hearing none, the Chair called for public comment in opposition of the request. Hearing none, the Chair called for Township input. Lafferty stated that no Township input had been received.

Discussion between the Board members took place.

Preston presented the findings of fact. All findings of fact were in agreement.

Chair Martin entertained a motion.

Motion: Robert Ebmeyer motioned to **approve** request PZBA15-009, OCENASEK, for the proposed variance from Section 4.3.17.2, to allow a Community Residential Care Facility

(Group Day Care Facility) to be located on an unpaved, local gravel road in Section 34 of Sciota Township (parcel Id. #78-009-34-200-005-07), based upon the following reasoning:

1. The proposal satisfies the basic findings as set forth in Section 18.4.6 of the Ordinance.
2. There has been uneven enforcement with these facilities by the state where it has been in operation prior to being sold to the applicant.

Support: Julie Hales-Smith.

Roll Call: Ayes to Approve: Robert Ebmeyer, Julie Hales-Smith, Duane Wood, Bradly Hisson, Fred Junger, Ann Gamboe Hall and Henry W. Martin. **Nays:** None. **Motion carried: 7 ayes, 0 nays.**

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

10. **ZONING ADMINISTRATOR'S REPORT:** Preston said that there had been discussion with the vacant spot on the Planning Commission. It was noted that a Board of Commissioner member may be on the Planning Commission as well.

11. **BOARD MEMBER COMMENTS:** Several members stated that they may be absent at the August meeting. Staff will confirm if quorum can be met at a later date.

12. **PUBLIC COMMENT:** None.

13. **ADJOURNMENT:** **Motion:** Ann Gamboe Hall moved to adjourn. **Support:** Julie Hales-Smith. **Motion carried: 7 ayes, 0 nays.** The public hearing adjourned at approximately 8:45 P.M.

Recording Secretary: Matthew Lafferty

Approval Signature
Shiawassee County Zoning Board of Appeals

Approval Date