SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
JULY 13, 2016– 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 13th, 2016. 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: Bradley Hissong, Duane Wood, Julie Hales-Smith, Paul Brake, Ann Gamboe Hall and Henry W. Martin III. Absent: Robert Ebmeyer. Also present: Peter Preston, Community Development Director and Matthew Lafferty, Land Use Planner.

   b. **EXCUSED ABSENCES:** **Motion:** Hall moved to excuse Martin from the June 8, 2016 meeting since he had notified the ZBA prior to the meeting. **Support:** Hissong. **Motion carried: 6 ayes, 0 nays.**

   Motion: Hall moved to excuse Ebmeyer from today's meeting since he had notified the ZBA he would be on vacation. **Support:** Hales-Smith. **Motion carried: 6 ayes, 0 nays.**

2. **CONFIRMATION OF LEGAL NOTICE:** The board was informed that a legal notice of the scheduled hearing had been posted within the Sunday June 26, 2016 edition of the Independent Newspaper to all of their zones and that proof of publication was on file. Martin declared the hearing as legally noticed.

3. **APPROVAL OF THE AGENDA:** **Motion:** Brake moved to approve the agenda as printed. **Support:** Wood. **Motion carried: 6 ayes, 0 nays.**

4. **APPROVAL OF BOARD MINUTES:** **Motion:** Wood moved to approve the June 8th, 2016 meeting minutes as printed. **Support:** Brake. **Motion carried: 6 ayes, 0 nays.**

5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** None.

6. **COMMISSIONER COMMENTS:** None.

7. **OLD BUSINESS:** None.

8. **NEW BUSINESS:**

   a. **Application Request #PZBA16-009**
   Applicant/Owner – Robert P. Corwin
   Site Location – 7856 Newberry Rd., Durand, MI 48429; Tax ID.# 012-29-300-013; Section 29, Vernon Township.
   Request – To permit the creation of a parcel that has less than the required minimum road frontage of 200 feet in the A-2 district.

Ordinance Reference – Section 3.2.

Lafferty provided the staff report.

Martin asked for the applicant's statement. The applicant and representative Barb Rolls stated that they intend to build a house on the remaining acreage and could not purchase the needed 200' of frontage from the neighboring property since it was in PA-116.

Martin opened the floor for public comment in support of the applicant's request. Robert B. Corwin, a neighbor, stated that he is in support of the request. Martin called for public comment in opposition of the request. Hearing none, Martin called for Township input. Lafferty had stated that there was nothing in writing from Vernon Township. No rebuttal was necessary.

Martin closed the public hearing.

Discussion between the Board members took place.

Motion: Ann Gamboe Hall motioned to **approve** request PZBA16-009, CORWIN, variance from Section 3.2 to permit a parcel with no frontage and access of easement as legally described in Section 29, Vernon Township (Parcel Id. #78-012-29-300-013), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the basic findings as set forth in Section 18.4.6 of the Ordinance.

Conditions:

1. The property is accessed by the proposed 66' easement as reflected by the site plan.
2. That the new parcel with the existing house has to be 2.5-acres or less.

Support: Paul Brake.

Roll Call: Ayes to Approve: Bradley Hissong, Duane Wood, Julie Hales-Smith, Paul Brake, Ann Gamboe Hall and Henry W. Martin. **Nays:** None.

Motion carried: 6 ayes, 0 nays.

b. Application Request #PZBA16-008
Applicant/Owner – Michael McDonald
Site Location – 8920 W. Britton Rd. Laingsburg, MI 48848; Tax ID.# 013-10-300-001-02 & 013-10-300-004; Section 10, Woodhull Township.

Request – To allow the use of a fellowship hall that has been previously associated with Graham Community Church as a banquet hall.
Ordinance Reference – Section 10.3.

Preston provided the staff report. Preston also read a letter from Michael and Aloise Bachelder, a letter from the Woodhull Township Planning Commission stating recommendations and an email from Diana Hasse, Woodhull Township Supervisor.

Martin asked for the applicant's statement. The applicant, Michael McDonald, presented that he planned to use the property for banquets, mostly wedding receptions. He also stated that he plans to rent the parsonage as a single-family home and to remove a temporary classroom that is sitting on wheels.

Martin called for a recess at 7:40 P.M. so that staff could print aerials of the property. Martin called the meeting back to order at 7:50 P.M.

The Board deliberated with the applicant.

Preston presents Section 18.4.11 "Nonconformity Appeals" for review and discussion.

Martin 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 no opposition, a rebuttal was not necessary.

Martin closed the public hearing.

Discussion between the Board members took place. Concerns of the ZBA was with a fence to the west, noise, hours of operation, parking and lighting.

Motion: Julie Hales-Smith motioned to **approve** request PZBA16-008, McDONALD, for the proposed change of use of property to another nonconforming use under Section 10.3, Nonconforming Uses of Land, as legally described in Section 10 of Woodhull Township (parcel ID# 013-10-300-001-02 & 013-10-300-004), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the basic findings as set forth in Section 18.4.6 of the Ordinance.

2. The proposal satisfies the basic standards and objectives set forth in Section 10.3 and 18.4.11 regarding nonconforming appeals.

Conditions:

1. The Planning Commission reviews the change of use under Section 4.3.38, Indoor Entertainment Establishments.

2. Recommend to the Planning Commission, as the applicant stated, that the chain link fence be replaced with a six (6) feet high vinyl fence.

Support: Bradley Hissong.

Roll Call: Ayes to Approve: Bradley Hissong, Duane Wood, Julie Hales-Smith, Paul Brake, Ann Gamboe Hall and Henry W. Martin. **Nays:** None

Motion Carried: 6 ayes, 0 nays.

c. **Application Request #PZBA16-010**
Applicant – Carm Ross
Owner – Chris Heikkila
Site Location – 10053 Bath Rd., Byron, MI 48418; Tax ID.# 016-46-008-001; Section 14, Burns Township.
Request – To substantiate the existing commercial nonconforming use.
Ordinance Reference – Section 10.5, Change in nonconforming uses in business and industrial.

Preston provided the staff report and explained a brief history of the property.

Martin asked for the applicant's statement. The applicants provided explanation for the request. They are applying for a dealer's license to be able to buy their own trucks and outfit them. The only change is buying the trucks themselves as opposed to the client purchasing the trucks.

Martin opened the floor for public comment in support of the applicant's request. Mark Kiddle and Todd Helms spoke in support.

Martin called for public comment in opposition of the request. Hearing none, Martin called for Township input. Preston stated that no comment had been received from Burns Township. No rebuttal was necessary.

Martin closed the public hearing.

Discussion between the Board members took place.

Motion: Bradley Hissong motions to **approve** request PZBA16-010, Insulation Industries, to substantiate the existing commercial nonconforming use under Section 10.5, Change in Nonconforming Uses in Business and Industrial Districts, as legally described in Section 14 of Burns Township (parcel ID# 016-46-008-000 & 016-46-008-001), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the basic findings as set forth in Section 18.4.6 of the Ordinance.

2. The proposal satisfies the basic standards and objectives set forth in Section 10.5 regarding changes in nonconforming uses in business and industrial districts.

Conditions:

1. The Planning Commission reviews the use under Section 4.3.15, Commercial Garages.

2. The applicant obtains a Certificate of Occupancy for the current structures and use.

Support: Ann Gamboe Hall.

Roll Call: Ayes to Approve: Bradley Hissong, Duane Wood, Julie Hales-Smith, Paul Brake, Ann Gamboe Hall and Henry W. Martin. **Nays:** None

Motion Carried: 6 ayes, 0 nays.

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

10. **ZONING ADMINISTRATOR'S REPORT:** None.

11. **BOARD MEMBER COMMENTS:** **Motion:** Hissong moved to cancel the regularly scheduled August 10th, 2016 meeting due to no petitioned requests. **Support:** Wood. **Motion carried: 6 ayes, 0 nays.**

12. **PUBLIC COMMENT:** None.

13. **ADJOURNMENT:** **Motion:** Brake moved to adjourn. **Support:** Wood. **Motion carried: 6 ayes, 0 nays.** The public hearing adjourned at approximately 9:15 P.M.

Recording Secretary: Matthew Lafferty

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Approval Signature
Shiawassee County Zoning Board of Appeals

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Approval Date