

**SHIAWASSEE COUNTY
ZONING BOARD OF APPEALS BOARD MINUTES – AUGUST 13, 2014**

CALL TO ORDER: Chairman 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, August 13, 2014 within the County Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Corunna, MI.

ROLL CALL: **Present:** Duane Wood, Ann Gamboe Hall, Julie Hales-Smith, N. Brad Hissong, Glenn Love Jr., and Henry W. Martin III. **Excused:** Fred Junger. Also present: Peter J. Preston, Community Development Director and Linda Gene Cordier, Zoning Administrator.

EXCUSED ABSENCES: Chair Martin noted that Junger had informed the board during the July public hearing that he would be unable to attend this month as he would be out of state.

PROOF OF PUBLICATION: Cordier informed the board that the scheduled agenda had been posted within the Shiawassee Independent on Sunday, July 27, 2013 and proof of publication was on file. Chair Martin declared the hearing was legally published.

APPROVAL OF AGENDA: **Motion:** Ann Gamboe Hall moved to approve the agenda as printed. **Support:** Julie Hales-Smith. Motion carried 6 ayes, 0 nays.

APPROVAL OF BOARD MINUTES: **Motion:** Glenn Love Jr. moved to approve the July 9, 2014 board minutes as printed. **Support:** N. Brad Hissong. Motion carried: 6 ayes, 0 nays.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

COMMISSIONER COMMENTS: None.

OLD BUSINESS:

7a. Dimensional Variance #PZBA14-006

Applicant/Owner -- Allen Almond, 11281 S. New Lothrop Road, Durand

Site Location – 11281 S. New Lothrop Road, Durand

Tax Id. 78-016-40-003-000, Lot 3, Dyer Terraces, Section 14, Burns Township

Request: Construct an accessory building that would exceed the maximum square footage within the R-1B zoning district. **Amended Proposed Building:** 32'x32'x15

Ordinance – Section 5.3.1.B. – Accessory structures not to exceed 800 square feet

Tabled from July 9, 2014

The applicant was not present. Mr. Preston informed the board that he had telephoned Mr. Almond earlier in the day to discuss the pending application; however, Almond did not return his phone call. The office received information that a gentleman had purchased Mr. Almond's pole barn package; however, it was not confirmed as Almond did not call back. The board has the option at this time of leaving the request tabled for one (1) more month due to Almond not in attendance and/or remove it from the table and take action.

Motion: Glenn Love Jr. moved to remove #PZBA14-006 from the table. **Support:** Ann Gamboe Hall. Motion carried: 6 ayes, 0 nays.

Cordier provided a brief update on the pending application. The first hearing was held in May. It was postponed as the board wanted to see the building downsized and height lowered to be more in compliance with the ordinance provisions. Mr. Almond was to return with a new drawing reflecting the building had been downsized and the height lowered. The original proposed structure was a 32'x40' accessory building. The property is part of a platted subdivision and zoned R-1B, which has a maximum square footage allotment for accessory structures of 800-square feet and a maximum height limit of 15 feet from grade to the peak. The board also suggested that the applicant meet with staff for assistance and to provide the

revised drawing so it could be mailed out with the June packets. The applicant appeared at the June 11, 2014 hearing, but it remained tabled. The applicant failed to meet with staff or provide the amended drawing prior to the hearing. The board did review the application revised drawing at the July hearing, which was downsized to 32'x32'x15'. Due to the reconfiguration, only one variance would be needed. A variance of 224 feet over the maximum square footage requirement. After the Findings of Fact, the board moved to approve the request. The motion failed 3-2. A motion was made to deny which failed 2-3. A motion was made to postpone, which also failed 3-2. The request remained on the table until this month's hearing as the ordinance states a majority vote of the full membership is required. Also, one of the reasons it didn't pass was because the board questioned where the applicant's reserve septic area was in relation to the proposed location of the building and if an addition could be added to the existing garage. Cordier said she was able to obtain a drawing from the Health Department, which she had included in the packets mailed out prior to the meeting; however, it didn't specifically designate a reserve area.

Hissong questioned the board motions.

Preston noted that the reason the motions didn't pass was based on a variety of reasons. Motions need to be precise such as was it being postponed due to additional information or documentation requested or was it being approved with the conditions that the building couldn't exceed a certain height and that additional landscaping around the build would be required. Preston stated that when a motion is precise, it is clear for a board member to then say they were opposed to a specific reason and voting against it. For example one might say I am voting nay as I disagree with the condition of landscaping as I don't feel it is necessary.

Discussion on PZBA14-006 followed. Hall stated the board should take action as the board has reviewed this since it first became before them in May and based on last month's hearing and motions. The applicant did not respond by contacting staff or attend tonight's hearing with the additional information as requested on the reserve septic system area.

Motion: Ann Gamboe Hall moved to deny the Dimensional Variance Request (PZBA14-006) of Allen Almond, from Section 5.3.1.A.1.b. and 5.3.1.B.5. to allow for a structure to exceed 800-sf (a variance of 224-sf.) for the purposes of constructing a 32'x32'x15' residential accessory building for vehicular and ATV storage on property located at 11281 S. New Lothrop Road, Durand, MI, Section 14, Burns Township, on Lot #3, Dyer Terraces, (Parcel Id. 78-016-40-003-000) based upon the following reasoning and conditions:

Reasoning:

1. The proposal does not satisfy the basic findings as set forth in Section 18.4.6 of the Ordinance. The Board of Appeals discussed possible unique circumstance, practical difficulties, self-created hardships, and precedent setting should a decision be rendered to approve or deny it based on previous hearings.
2. Lack of communication from the applicant with staff and attendance at the public hearing.
3. Did not provide additional information on the on-site septic system reserve area as requested.
4. The board has reviewed this on three separate occasions.

Support: Duane Wood.

Roll Call: Ayes to Deny: Glenn Love Jr., Julies Hales-Smith, N. Bradley Hissong, Duane Wood, Ann Gamboe Hall, and Henry W. Martin III. **Nays:** None. Motion carried: 6 ayes to deny, 0 nays.

7b. Dimensional Variance #PZBA14-010

Applicant – Duane Dann, 5775 East Bath Road, Bancroft, MI

Owner – Shiawassee Outdoor Association

Site Location – 5775 E. Bath Road, Bancroft, MI

Tax Id. - 78-015-24-100-999-12, Section 24, Antrim Township

Request – Replace an existing garage with a two-story 38'x56' garage within the setback

Requirements from the water's edge; Proposed – 15' from water's edge

Ordinance – Section 5.2.8. (Lots having water frontage); #A – 100 feet

Postponed from July 9, 2014

Chair Martin stated that within the board packet there was a statement submitted by Duane Dann that there no longer was a need for the variance due to the fact the attached garage would be moved over so it would be 100 feet from the water's edge and be in compliance with the ordinance. A motion would be needed to remove it from the table so action could be taken to accept his statement to withdraw the request.

Motion: N. Brad Hissong moved to remove application PZBA14-010 from the table. **Support: Ann Gamboe Hall.** Motion carried: 6 ayes, 0 nays.

Cordier confirmed Mr. Dann had stopped into the office on July 17th and applied for the demolition permits along with the zoning and building permits for the new construction and a variance was no longer needed.

Motion: N. Brad Hissong moved to accept and place on file Duane Dann's statement of July 17, 2014 asking to withdraw his application as it would no longer be needed. **Support: Glenn Love Jr.** Motion carried: 6 ayes, 0 nays.

8. **New Business:** None.

9. **Interpretations of the Zoning Ordinance:** None.

10. **Zoning Administrator Report:** The next scheduled meeting will be September 10th. Preston discussed practical difficulties, non-use variances, and decisions for approval or denial.

11. **Board Member Comments:** Chair Martin welcomed Duane Wood to the board and asked each member and staff to introduce themselves and township area they represent. Afterwards, Mr. Wood stated he had moved to Perry from up north. He had been a Planning Commission and Zoning Board of Appeals member in Gladwin County since 1997. He has resided in Perry for the last three years. Wood stated he read the notice in the paper that there was an opening so he submitted his name.

12. **Public Comment:** None.

13. **Adjournment:** **Motion: Ann Gamboe Hall** moved to adjourn. **Support: Julie Hales-Smith.** Motion carried: 6 ayes, 0 nays. Meeting adjourned at approximately 7:30 P.M.

Recording Secretary: Linda Gene Cordier

Henry W. Martin III, Chairman
Zoning Board of Appeals

September 10, 2014
Approval Date of Minutes