

**SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
SEPTEMBER 9, 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, September 9th, 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, Bradley Hissong, 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: Motion:** Junger moved to excuse Hissong from the August 31, 2015 meeting. **Support:** Hall. **Motion carried: 7 ayes, 0 nays.**
2. **PROOF OF PUBLICATION:** The board was informed that a legal notice of the scheduled hearing had been posted within the Sunday August 23rd, 2015 edition of the Independent Newspaper 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:** Hall moved to approve the agenda as printed. **Support:** Wood. **Motion carried: 7 ayes, 0 nays.**
4. **APPROVAL OF BOARD MINUTES: Motion:** Wood moved to table the August 31st, 2015 to further review. **Support:** Junger. **Motion carried: 7 ayes, 0 nays.**

Motion: Wood moved to approve the July 8th, 2015 board minutes as printed. **Support:** Ebmeyer. **Motion carried: 7 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 #PZBA15-010**

Applicant/Owner – Nicholas Taylor
Site Location – 7615 Newberry Rd., Durand, MI 48429; Tax Id.# 78-012-29-200-014; Section 29, Vernon Township.
Request – To allow a 60' variance from the required 100' residentially utilized property setback to construct an outdoor solid fuel furnace.

Ordinance Reference – Section 5.3.1.H.A.3.a

Lafferty provided the staff report. The subject property is approximately 3.1-acres in size with approximately 225’ of frontage and is approximately 600’ in depth. The property contains a single-family residential structure and one (1) associated accessory structure. The petitioner is seeking to continue to locate and operate an outdoor solid fuel furnace in the rear yard approximately 40’ from the southeast side yard lot line where 100’ is required. The petition is for variance from the required residentially utilized property setback under Section 5.3.1.H.A.3.a of the Ordinance for the addition of a furnace.

The applicant stated that the wood burner is the furthest it can get from the adjacent houses and is the best location for the wind to carry the smoke. He says that he hasn’t had any complaints. Also, he does not wish to place it on the septic field that is in the center of his backyard.

The Chair opened the floor for public comment in support of the applicant’s request. Martin read a letter received from the applicant’s neighbors in support of the request signed by Richard White and Shawn Henry. Don Henry, also a neighbor spoke in agreement that the proposed location was the best spot.

The Chair called for public comment in opposition of the request. Hearing none, the Chair called for Township input. Preston stated that no Township input had been received.

Chair Martin closed the public hearing.

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: Ebmeyer motioned to **approve** request PZBA15-010, TAYLOR, for the proposed 60’ variance from the required residentially utilized property 100’ setback under Section 5.3.1.H.A.3.a to continue to locate and operate an outdoor solid fuel furnace on property as legally described in Section 29, Vernon Township (Parcel Id. #78-012-29-200-014), 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. That the mechanical permit must be approved in for the variance.

Support: Hales-Smith.

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

8.b. Application Request #PZBA15-011

Applicant/Owner – Terry G. Secor

Site Location – 6257 E. Grand River Rd., Bancroft, MI 48414; Tax Id.# 78-016-06-100-003-01; Section 6, Burns Township.

Request – To allow the construction of a covered porch addition that encroaches approximately 12’ into the front yard setback.

Ordinance Reference – Section 3.2

Lafferty provided the staff report. The subject property is approximately 3.48-acres in size with approximately 517’ of frontage and is approximately 292’ in depth. The property contains a single-family residential structure with three (3) associated accessory structures. The applicant is seeking approval for the construction of a covered porch addition within the minimum required front yard setback of 40’ from the road right-of-way (73’ from the centerline). The covered porch is located approximately 61’ from the centerline of E. Grand River Rd. and encroaches 12’ into the front yard setback.

The applicant stated that other houses along Grand River Rd. are closer to the road and that the covered porch was for safety issues when entering and leaving the house.

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.

Chair Martin closed the public hearing.

Discussion between the Board members took place.

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

Chair Martin entertained a motion.

Motion: Hall motioned to **approve** request PZBA15-011, SECOR, a proposed 12’ variance from the required 40’ minimum front yard setback from the road right-of-way under Section 3.2 to allow a covered porch addition on property as legally described in Section 6, Burns Township (Parcel Id. #78-016-06-100-003-01), 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 due to the fact that the home is legally nonconforming.

Conditions:

1. That the porch can never be enclosed.
2. That the porch meets all building codes and inspections.

Support: Ebmeyer.

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

8.b. Application Request #PZBA15-012

Applicant/Owner – Perry Township, c/o Kelly Schmidt, Twp. Clerk

Site Location – 2770 W. Ellsworth Rd., Perry, MI 48872; Tax Id.# 78-014-22-100-013; Section 22, Perry Township.

Request – To allow the construction of a ground sign that encroaches approximately 9’ into the required sign setback.

Ordinance Reference – Section 9.4

Preston provided the staff report. The subject property is approximately 2-acres in size with approximately 250’ of frontage and is approximately 298’ in depth. The property is the location of the Perry Township Hall. The Board of Appeals is being requested to grant a variance from Section 9.4 to allow the construction of a ground sign that encroaches approximately 9’ into the required sign setback. The new proposed sign is located no closer than the existing sign to the road right-of-way, yet is less in height and display area. The applicant also notes that vegetation on adjacent property blocks the view of the sign if located in conformance with the Ordinance.

The applicant agreed with the staff report.

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.

Chair Martin closed the public hearing.

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: Hales-Smith motioned to **approve** request PZBA15-012, PERRY TOWNSHIP, for the proposed 9’ variance from the required sign setback of 10’ from the road right-of-way under Section 9.4 on property as legally described in Section 22, Perry Township (Parcel Id. #78-014-22-100-013), based upon the following reasoning:

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

Support: Wood.

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

Motion: Junger motioned to waive the eight (8) day appeal period. **Support:** Wood. **Motion carried: 7 ayes, 0 nays.**

9. **INTERPRETATIONS OF THE ZONING ORDINANCE:** None.
10. **ZONING ADMINISTRATOR'S REPORT:** Preston stated that keeping track of mileage for expense reports would be done by email.
11. **BOARD MEMBER COMMENTS:** Junger handed out comments from the previous meeting that he had typed up.
12. **PUBLIC COMMENT:** None.
13. **ADJOURNMENT:** **Motion:** Hales-Smith moved to adjourn. **Support:** Junger. **Motion carried: 7 ayes, 0 nays.** The public hearing adjourned at approximately 8:52 P.M.

Recording Secretary: Matthew Lafferty

Approval Signature
Shiawassee County Zoning Board of Appeals

Approval Date