

**SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
DECEMBER 2, 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, December 2nd, 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:** None.
2. **PROOF OF PUBLICATION:** The board was informed that a legal notice of the scheduled hearing had been posted within the Sunday November 15th, 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:** Junger moved to approve the agenda as printed. **Support:** Hall. **Motion carried: 7 ayes, 0 nays.**
4. **APPROVAL OF BOARD MINUTES:** **Motion:** Hall moved to approve the November 4th, 2015 minutes as printed. **Support:** Hissong. **Motion carried: 7 ayes, 0 nays.**
5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** None.
6. **COMMISSIONER COMMENTS:** Commissioner John Horvath said that he was here to observe.
7. **OLD BUSINESS:** None.
8. **NEW BUSINESS:**
 - 8.a. **Application Request #PZBA15-017**
Applicant/Owner – Jacob Teague
Site Location – 1041 W. Winegar Rd., Morrice, MI 48857; Tax ID.# 78-014-02-400-001-02; Section 2, Perry Township.
Request – To permit an attached garage addition that encroaches approximately 15' into the side yard setback.
Ordinance Reference – Section 3.2

Lafferty provided the staff report.

The Chair asked for the applicant's statement. The applicant, Jacob Teague, explained that the addition would be a two car garage and that in the future he may convert his existing garage into living space.

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. The Chair stated that Perry Township recommend approval and read the approval letter dated November 25, 2015.

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: Julie Hales-Smith motioned to **approve** request PZBA15-017, TEAGUE, for the proposed 15' variance from the required side yard setback under Section 3.2 to permit the addition of an attached garage on property as legally described in Section 2, Perry Township (Parcel Id. #78-014-02-400-001-02), 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 Zoning Ordinance.

Conditions:

1. The improvement resulting from the approval of this variance must be substantially similar to what has been depicted on the submitted site plans.
2. That the property must be in compliance with Consumers Energy as stated in the letter dated October 16, 2015 signed by Donald C. Lowell of Consumers Energy.
3. If there are issues with encroachment from the adjacent property that the owner of the subject property be responsible for a fence.

Support: Fred Junger

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

Motion carried: 7 ayes, 0 nays.

8.b. Application Request #PZBA15-018

Applicant – John Baynes, J.B. Construction

Owner – Robert Young

Site Location – 8995 Scenic Lake Dr., Laingsburg, MI 48848; Tax ID.# 78-013-50-056-000; Section 4, Woodhull Township.

Request – To allow an improvement on the rear side of a legally nonconforming structure that encroaches into the minimum waterfront setback.

Ordinance Reference – Section 5.2.8 and Section 10.3

Lafferty provided the staff report.

The Chair asked for the applicant's statement. John Baynes representing the owner, Robert Young, stated that Woodhull Township had met and approved the proposal and that the lake association had also approved the proposal.

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. The Chair stated that Woodhull Township recommend approval and read the approval letter dated November 12, 2015.

The Chair asked for any rebuttal. Hearing none, 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 **table** request PZBA15-018, BAYNES, for the proposed variance from the required waterfront setback under Section 5.8.2, Lots Having Water Frontage, and from Section 10.4, Nonconforming Structures, to permit an addition on the rear side of a single-family residential structure as legally described in Section 4 of Woodhull Township (parcel Id. #78-013-50-056-000), based upon the following reasoning:

Reasoning:

1. Additional information is needed to find if there was a previous building permit for the original second story deck.
2. Gather additional information to find if there are previous variances where this request has been similar for lakefront properties.

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

Motion carried: 6 ayes, 1 nay.

8.c. Application Request #PZBA15-019

Applicant – David McDade

Owner – Rick Hansen

Site Location – 6015 S. M-52, Owosso, MI 48867; Tax Id.# 78-010-22-100-004;
Section 22, Bennington Township.

Request – To permit the construction of a principal structure in the B-1 District that encroaches into the front yard and rear yard setback.

Ordinance Reference – Section 3.3

Preston provided the staff report.

The Chair asked for the applicant's statement. The applicant, David McDade, stated that MDOT has required that the drive closest to Brewer Road be taken out due to MDOT considering that it is a change of use. The Board had discussion with the applicant.

The Chair opened the floor for public comment in support of the applicant's request. None heard, other than the Owner of the property.

The Chair called for public comment in opposition of the request. Hearing none, the Chair called for Township input. The Chair stated that Bennington Township recommend approval and read the approval letter dated December 2, 2015.

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: Bradley Hissong motioned to **approve** request PZBA15-019, VALERO, for the proposed 17' variance from the required front yard setback from Brewer Rd. and a 9' rear yard setback under Section 3.3 to permit the construction of a gas station/convenience store on property as legally described in Section 22, Bennington Township (Parcel Id. #78-010-22-100-004), 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 Zoning Ordinance.
2. The proposed structure is more in conformance with the Ordinance since the existing principal structure encroaches approximately 25' into the front yard setback for a building located on a State highway and that the proposed structure would be in compliance with this setback.
3. The proposed structure does not encroach any further into the setback from Brewer Rd. any further than the existing structure.

Conditions:

1. The proposed site plan meets the standards set forth by the Michigan Department of Transportation.

2. The eight (8) day review period is waived.

Support: Fred Junger

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

Motion carried: 7 ayes, 0 nays.

8.d. **2016 Calendar** – Approval of Scheduled Meetings and Application Cut-Off Dates.

Motion: Hissong moved to approve the 2016 Calendar as printed.

Support: Ebmeyer. **Motion carried: 7 ayes, 0 nays.**

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

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

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

12. **PUBLIC COMMENT:** None.

13. **ADJOURNMENT:** **Motion:** Ebmeyer moved to adjourn. **Support:** Wood. **Motion carried: 7 ayes, 0 nays.** The public hearing adjourned at approximately 9:15 P.M.

Recording Secretary: Matthew Lafferty

Approval Signature
Shiawassee County Zoning Board of Appeals

Approval Date