

**SHIAWASSEE COUNTY
ZONING BOARD OF APPEALS
BOARD MINUTES – DECEMBER 4, 2013**

1. CALL TO ORDER: Chair Martin called the December Zoning Board of Appeals public hearing to order on December 4, 2013 at 7:00 P.M. within the County Board of Commissioners' meeting room, 201 N. Shiawassee Street, in Corunna, MI.

ROLL CALL: Present: Gerald Wardell, Ann Gamboe Hall, N. Bradley Hissong, Fred Junger, and Henry W. Martin III. **Absent:** Julie Hales-Smith. Also present: Peter J. Preston/Community Development Director, and Linda Gene Cordier/Zoning Administrator.

1a. EXCUSED ABSENCES: Motion: Ann Gamboe Hall moved to excuse Hissong from the October 9, 2013 ZBA hearing. **Second:** Gerald Wardell. **Motion carried:** 5 ayes, 0 nays.

2. CONFIRMATION OF LEGAL NOTICE: Cordier responded that the legal notice was placed within the Shiawassee County Independent on Sunday, November 17, 2013. A copy of the legal notice was available for review and would be placed on file. Chair Martin declared the meeting as legally noticed.

3. APPROVAL OF AGENDA: Chair Martin noted that item 8d. (Application PZBA13-018) for a Multi-Dimensional Variance request by Ronald Kessinger had partially withdrawn his request and would not be before the board this evening. It was his understanding that the applicant's barn had been blown down during the recent storm. Martin asked that staff verify the barn was down.

Motion: Fred Junger moved to approve the agenda as amended. **Second:** Ann Gamboe Hall. **Motion carried:** 5 ayes, 0 nays.

4. APPROVAL OF BOARD MINUTES: Motion: Ann Gamboe Hall moved to approve the board minutes of October 9, 2013 as printed. **Second:** Gerald Wardell. **Motion carried:** 5 ayes, 0 nays.

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

6. BOARD OF COMMISSIONER COMMENTS: None.

7. OLD BUSINESS:

7a. Dimensional Variance Application #PZBA13-011

Applicant/Owner – Allen D. Martin, Bancroft

Site Location -- 6860 E. Grand River Rd., Sec. 7, Burns Township

Tax Id. – 78-016-07-300-002-04

Request – Construct a 12'x25' addition to an existing accessory building within the minimum 10' side yard setback requirements; Proposed – 7 foot setback from lot line; a 3 foot variance

Tabled from September 11, 2013

Cordier informed the chairman that she had sent a letter asking the applicant for an update. Mr. Martin contacted her by telephone and stated he would be withdrawing his request and would be

taking the structure down. Cordier stated she asked him to put his withdrawal in writing to bring to this board; however, he had not submitted it to the office as of today.

Preston informed the board they had a couple of options at this point. The board could leave it tabled until a written statement is received or they could remove it from the table and deny the request. After board discussion, it was decided to have it remain tabled.

8. NEW BUSINESS:

8a. Dimensional Variance Application #PZBA13-015

Applicant/Owner – Irma Fillmore and Michael & D. Koyne, Elsie, MI

Site Location – 7701 West Epton Road, Elsie, MI

Tax Id. – 78-001-11-100-002, Section 11, Fairfield Twp.

Zoning District – A-1, Agricultural Production

Request – Create a parcel which would exceed the maximum lot size within the A-1 District

Proposed – Create a 10.20 acre parcel (997.49’ road width by 614.44’ depth/longest side; irregular in shape, including farm dwelling and accessory buildings

Ordinance – Section 3.2.; Maximum Lot Size 2.5 acres

Preston informed the board that there may have been an error within the legal notification and notification to the proper owners. Staff was informed that there was a recently recorded court document, which had not been received or reviewed by the department. Based on the possibility of an error, Preston said he would recommend that the board table the request and not proceed with the application tonight..

Motion: Brad Hissong moved to table Application PZBA13-015, Applicant/Irma Fillmore, regarding 7701 W. Epton Road, Elsie, MI, based on the recommendation of staff. **Second:** Fred Junger. **Motion carried:** 5 ayes to table, 0 nays.

Preston asked the applicant to contact the office on Thursday to discuss the issue.

8b. Dimensional Variance Application #PZBA13-016

Applicant/Owners – Alan E. and Cindy L. Langdon, Owosso, MI

Site Location – 350 East Haven Drive, Owosso, MI

Tax Id. – 78-003-38-011-000, Section 18, New Haven Township

Request – Construct an accessory building that would exceed the maximum square footage Requirements within the R-1A Zoning District

Proposed – 1,536 square foot

Ordinance – Section 5.3.1.A.1.a. – 900 square foot

Preston provided the staff report. The applicant is seeking to build an accessory building that would exceed the maximum square footage within an R-1A zoning district. The proposed 1,536 square foot building exceeds the maximum 900 square foot requirement; a variance of 636 square feet was being requested. This parcel is not the typical lot size found in a subdivision zoned R-1A. It’s considered a-typical based on the lot size within the R-1A district. It is also a pie-shaped parcel. The applicant had thought about adding on to his home; however, the location of the septic system and drain field prohibits him from doing so. Preston noted that both the New Haven Township Planning Commission and New Haven Township board met and reviewed the request and recommends denial.

Mr. Langdon stated at the time he submitted the application he did not provide a description of the building he was intending to build. During the township review, he was informed that there

was also a height restriction of 15 feet. Langdon stated he would like to build a 32'x48'x22' building; however, he would be willing to drop it down to a 40'x32'x22' structure. The building would be located behind the house. The lot is 3½ acres in size. Langdon stated he couldn't add on to the attached garage. Langdon presented the board with a list of neighbors in support of this request and noted there are 14 lots within the subdivision.

Chair Martin opened the floor for public input in support of the applicant's request. Hearing none, he opened the floor for public input in opposition of the request. Hearing none, Chair Martin noted the township had recommended denial.

Cordier read the recommendations from the township:

New Haven Township Planning Commission Board: November 26, 2013

Last night the Planning Commission voted to not approve the Langdon's request. In the conversation and review of the Ordinance with them, we noticed the 15' height limit for an accessory building in the R-1A; etc.

New Haven Township Board: December 3, 2013

The New Haven Township Board met last night and voted to not recommend approval of the Dimensional Variance request for Alan Langdon. He was in attendance at the meeting. There are six (6) accessory buildings on East Haven Drive and one (1) small shed. Five (5) out of the six (6) are 900 square feet or smaller. The sixth (6th) one is 1700+ square feet and was built in 1991. The 15' height restriction came up again. Langdon had a letter signed by all the neighbors on East Haven Drive except for the Township Supervisor (Tim Hill) showing support for his request. The 32'x60' pole building on Six Mile Creek Road was questioned, but was informed that a building permit had been issued in error. The property was purchased by the applicant in 2011. Neither he nor his wife had checked on the zoning and what was allowed. They also didn't realize there were Deed Restrictions. The township realizes that zoning and Deed Restrictions are separate and that zoning prevails.

Langdon responded that he and his wife had no idea that there were Deed Restrictions. There are other pole buildings over that size in the area. They didn't think it was going to be an issue; however, they realize they should have checked this out before they purchased the property.

Dan Winters, New Haven Township Planning Commission Chairman, informed the board that the township was concerned with setting a precedent. If this were to be approved, then it would open the doors for someone else to come in and ask for the same thing or maybe come back seeking approval to build a second building. How will this be kept under control? The only one over 900 square feet is the one that has 1700 square feet. All the others have complied with the ordinance.

Chair Martin closed the public hearing and called for board discussion.

Hissong asked how it was advertised.

Cordier answered she had advertised it as a 1,536 square foot accessory structure exceeding the maximum square footage requirements of 900 square feet.

Hissong asked if a second variance would be needed because it would exceed the maximum height restrictions.

Cordier answered yes; it would be considered a multi-variance. The height of the structure had not been provided within the application packet.

Preston discussed the basis for a maximum square footage requirement for accessory buildings on residential lots. Generally speaking, lots located within the R-1A districts are older platted subdivisions that had smaller lot sizes and typically found closer to cities. The lots in this subdivision are larger and in the country. The board has seen a couple similar requests within the past months where the parcels were a lot larger than typical within the R-1A district.

Wardell responded that the applicant was requesting to build a fairly large barn and wondered what was going to be stored inside it.

Langdon said he could downsize the building. Plans were to purchase a motor home or fifth wheel. They also own another trailer he would like to put inside along with a truck. The Deed Restrictions stated that everything is to be stored within a garage. The proposed building would have vinyl siding with asphalt shingles.

Wardell discussed downsizing the building with the applicant. Wardell stated the pitch of the roof was driven by the width of the building and noted a 30' x40' building would still exceed the height requirements.

Hall said she would like to see a copy of the Deed Restrictions.

Langdon stated he did have a copy and provided it to the board for review. A copy was made for staff. Langdon continued that they currently have a two-car garage attached to the house. Langdon stated he was willing to drop the size of the building down to a 30' x40'. He would like to have a 10 foot door with 12½ foot side walls.

Junger questioned if a 10 foot door would work if he thinking of purchasing a travel trailer.

Langdon answered they may have to purchase a fold down or a smaller style travel trailer.

Preston noted that it had not been advertised as multi-variance in the paper and/or to the surrounding property owners.

Hall stated she felt it should be tabled until the application was amended and properly noticed unless the applicant wanted to modify his application.

Langdon stated he didn't realize he was going to need a variance on the height of the building as well. He reminded the board that his neighbors had all approved of his plans.

Preston stated the neighbors may have agreed, however; they may not have realized there was a height issue.

Motion: Ann Gamboe Hall moved to table Application Request #PZBA13-016 for Alan E. and Cindy L. Langdon, 350 East Haven Drive, Owosso, MI be tabled until the applicant has submitted appropriate plans for the proposed structure including the height and amend his application to include the second variance needed on the height of the structure. **Discussion:** Wardell discussed the site plan and layout of the proposed building with the applicant. **Second to Motion:** Fred Junger. **Roll Call: Ayes to Table:** Gerald Wardell, N. Bradley Hissong, Fred

Junger, Ann Gamboe Hall, and Henry W. Martin III. **Nays:** None. **Motion carried:** 5 ayes, 0 nays.

8c. Appeal Application #PZBA13-017

Applicant/Owners – Sterling and Larry Cool; Byron, MI

Site Location – Church Road (West of Grand River Road); South side

Tax Id. – 78-016-07-100-001; Section 7, Burns Township

Request – Construct two (2) accessory buildings on vacant property for use as storage barns for FFA projects, hay storage, lumber, farm equipment, and use of property for hunting and recreational use

Preston provided the staff report. The applicants own 50 acres approximately 274 feet west of the intersection of Grand River and Church Road. The parcel has approximately 565 feet of road frontage on Church Road. It currently is vacant property except for the proposed buildings. If the two (2) buildings were going to be strictly 100 percent agricultural use and storage, only a zoning permit would be required. However, proposed is a mix of uses such as hunting, recreational, FFA projects, along with the agricultural use. When other uses are intended, an accessory building cannot be constructed on vacant property. There must be a principal structure (house); the accessory building is considered secondary to the primary use. Again, there is no principal dwelling on the property; therefore, a variance is needed. It appears all setbacks will be met if the variance were granted. No negative impact is anticipated with vehicular circulation.

Mr. Cool stated they also own the adjacent 40 acres. He didn't understand the issue; the buildings are intended for farm storage and raising turkeys. He wondered why they couldn't hunt on the property or put up hunting structures.

Preston answered it was based on the description of intended uses.

Cool answered that he currently leases the land for farming and was told a permit wasn't required. He does have some farm equipment and tools that would need to be stored. Plans are to plant Clover. His son just started FFA. The buildings are needed to store the feed, lumber, tools, and FFA projects. After the fair, the turkeys would be gone.

Preston discussed the Right to Farm ruling and noted that in order to qualify it must be 100 percent commercial. The 24'x24' building that had been started without permits was submitted as a Pavilion.

Cool answered that it is not going to be a pavilion, it will be enclosed.

Preston explained that there were parcels in the county with large tracts of land with accessory structures, the land may have ponds, and then the land becomes a nice setting for recreational use such as hunting and camping. Due to the information submitted on the applications (both zoning and variance), it became questionable as to the proposed uses. Preston asked the applicant to limit the scope of proposed uses down to 100 percent farming, then the requests can be reviewed differently.

Cool replied that he was farming 10 acres.

Preston answered that it must be agriculturally related products raised and then sold. Preston suggested he consider tabling his request and meeting with staff in the office to discuss this further.

Cool answered that his plans were to eventually farm the 40 acres, but he can't at this time.

Hall recommended that it be tabled so the applicant could modify the application by providing in detail the proposed use of both buildings.

Cool informed the board that they don't live out there, they live in a subdivision. They do work out there on the farm. He didn't understand where the issue of hunting and recreation came from until he saw the application that was filled out and submitted by his wife.

Preston again noted that the word "hunting" can mean a lot of other things such as camping. Preston again suggested that the applicant consider tabling the request so he could meet with staff.

Chair Martin asked the applicant if he wanted to table this or proceed.

Cool answered he wanted to proceed.

Chair Martin opened the floor for public comment in support of the applicant's request. Hearing none, Martin opened the floor for public comment in opposition of the request. Hearing none, Martin noted David Mitchell/Burns Township Supervisor was present and called for Township Input.

David Mitchell stated the township had no objections.

Discussion followed. The applicant provided pictures of the property, which is near the Scribner Drain and explained the area floods. Cool noted that was why the 24' x24' building was being built up off the ground. He again noted it will not be a pavilion because it will be enclosed. His son plans to raise turkeys for his FFA project. They will grow Clover and have a fenced in area for outside access for the turkeys.

Martin suggested incorporating both buildings into one.

Cool said the wood for the barn was wood they had cut from trees on the property. The second building will be used to store their tractor and tillers in. Cool continued discussing the Scribner Drain. The drain was put in back in 1917. It was cleaned out this past Spring; however, now when it rains they get all the water. It appears there was a hole in the tile and now it is blocked causing the water to back up on their property. Cool added that he purchased the land from his aunt.

Chair Martin closed the public hearing and asked Preston to review the Findings of Fact.

1. *How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.*

Staff: The ZBA should discuss if there are practical difficulties or unnecessary hardships concerning the use of portions of the structures for non-residential purposes. The Board should also discuss if there are other potential methods of achieving the intended result in conformance with the goals and objectives of the Ordinance and Master Plan.

Board: The board felt if the buildings were used solely for the storage of farm equipment and farm crops, there may not be a violation. That would mean no use of the buildings for hunting purposes or recreational use and storage.

Board members questioned if they should proceed with the Findings of Fact. Preston stated he wanted to be sure that the use of the buildings was going to be 100 percent agricultural use based on agricultural production. Junger agreed. The property could change hands.

Motion: Ann Gamboe Hall moved to approve Application Request #PZBA13-017 request submitted by Sterling & Larry Cool for a variance from Section 21.1.G.B to allow development of two (2) accessory structures on the property provided agricultural production is the principal use, located in Section 7 of Burns Township (Parcel I.d.78-016-07-100-001) 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. The Board of Appeals should discuss unique circumstance, practical difficulties, and the intentions of the applicant to develop the property. 2. Any additional reasoning as determined by the Board of Appeals.

Conditions: 1. The structures run with the land and not just with the present owner; therefore, the structures can only be used for agriculturally related uses associated with agricultural production on the property.

Second: Fred Junger.

Roll Call: Ayes to Approve: Gerald Wardell, Fred Junger, and Ann Gamboe Hall. **Nays:** Brad Hissong and Henry W. Martin III. **Motion failed:** 3 ayes, 2 nays.

Motion: Ann Gamboe Hall moved to table the request. **Second:** Brad Hissong. **Motion carried to table:** 5 ayes, 0 nays.

8d. Multi-Dimensional Variance Application #PZBA13-018

Applicant/Owner – Ronald Kessinger, 7355 Bancroft Road, Bancroft

Site – 7355 Bancroft Road, Section 26, Shiawassee Township

Withdrawn

8e. Dimensional Variance Application – PZBA13-019

Applicant/Owner – Todd W. Reno, Houghton Lake, MI

Site Location – 6780 Goodall Road, Corunna, MI

Tax Id. 78-12-06-100-002-03, Section 6, Vernon Township

Request – Create a parcel exceeding the maximum lot size requirements within the A-2 Zoning District

Proposed – 10 acres more/less

Ordinance – Section 3.2.; Maximum Lot Size 2.5 acres

Preston provided the staff report. The parcel has 710 feet of frontage along the north side of M-71 within Section 6 of Vernon Township and is 10 acres in size. The parcel has a home that has been in existence for a number of years. The applicant was seeking approval for a new driveway access out to M-71 which would eliminate the driveway access across another parcel onto to Goodall Road. It exceeds the maximum 2.5 acre lot size requirements within the A-2 zoning district. The parcel has been in existence and on the tax rolls for 6 to 7½ years now. The parcel was created from a 32-acre parcel. The township has recognized this and placed it on the tax rolls. It is an established nonconforming parcel and has been paying taxes as such for a number of years.

The 32-acre parcel had been in existence for over 12 years. This is inherently a difficulty request. Can this board legally say you can't have this size lot now? It has been a nonconforming lot that was just discovered when the applicant approached the office for a new address off M-71.

Chair Martin opened the floor to the applicant.

Mr. Reno stated he had purchased the property in 2001 from his grandmother. In 2011 he was divorced and moved to Houghton Lake. His intent is to sell the home, but he wanted to have its own driveway to the parcel and not across his uncle's. The property was bought as a 10-acre parcel and thought it had been created legally. His grandmother was being treated for Alzheimer's disease and was moved to a nursing home. He obtained access approval for a drive along M-71 and installed the new drive. Reno said he didn't realize there was a problem until he went to apply for a new address.

Chair Martin opened the floor for public comment in support of the request.

Speaker #1: Gordon Hiller, 6788 Goodall Road, Corunna. Mr. Hiller stated he is Todd's uncle. The property has been on the tax map since 1986 and had been listed for sale since 1986. When they had to put Todd's grandmother in a nursing home, they sold the 10 acres to him and had it recorded. Harold Post was the realtor at the time. The property had two homes on it. Todd's driveway accessed across his property. Todd would like the ability to sell the 10 acres as he no longer resides there so the new owner would have access off of M-71.

Chair Martin opened the floor for public comment in opposition of the request. Hearing none, Martin asked if there was township input. Cordier stated she had not received any correspondence. Chair Martin closed the public hearing and called for board deliberation.

Wardell questioned the location of the parcel. The board reviewed the parcel and noted the east boundary line was the Shiawassee River.

Reno stated that with the lay of the land, the river, and guardrails, the property would probably never be able to be divided.

Hiller agreed. Most of the property would be within the flood plain.

The board asked if the home had been rented out.

Reno stated no, he has been trying to maintain this place as well as his place up north. He was just getting it ready to sale and wanted the property to have its own access without crossing over his uncle's. No one confronted him about it when he put the new drive access in.

Chair Martin wondered if the parcel could be divided again in the future.

Preston answered possible unless this board states it cannot be within a motion.

Reno answered that there would be no room for a second driveway because of the guardrail.

Chair Martin closed the public hearing and asked Preston to provide the Findings of Fact.

1. How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.

Staff: The division took place without appropriate approvals, but transfers of ownership have taken place. Undoing would potentially be very difficult. The ZBA should discuss if

the property were to be larger than 2.5-acres and the possible issues related to future land divisions resulting in another build site.

Staff: ZBA Board: The township and title company didn't verify whether a Land Division had been completed or pursue it. The board concurred with all findings.

2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.

Staff: The ZBA should discuss unique physical circumstance, such as topography, wetlands, or vegetation that may be causing practical difficulties. The ZBA could interpret that undoing the division following transfers of ownership may prove difficult, if not legally challenging, and defined as an unnecessary hardship or practical difficulty.

ZBA Board: M.D.O.T. is responsible for access; the property would not have room for another access due to the guardrails. A portion of the property is low and within the flood plains due to the Shiawassee River. The board concurred with all findings.

3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.

Staff: The ZBA should discuss if other development alternatives are available and how the division of land is in conformance with the intent of the County's planning policies. The ZBA could interpret that undoing the division following transfers of ownership may prove difficult, if not legally challenging.

ZBA Board: It is a reasonable use of the property based on the conditions presented. Hopefully, this is specific to this property only and not to other parcels. The access is off M-71, the resulting acreage had a house with access off Goodall Road. The applicant's original driveway crossed over the resulting property when the split was created. In order to create a second split from this parcel would require a private road development. A deed restriction could be added stating the property could not be divided. It would be very difficult to undue this after being on the tax rolls for several years. There have been no objections received by any of the neighbors. The board concurred with all findings.

4. Finding that the practical difficulty was not created by the applicant and is related only to property that is owned or occupied by the applicant.

Staff: If the ZBA finds that reversion to parcel prior to ownership transfer is an encumbrance and a practical difficulty, then it could be determined that such practical difficulty was not necessarily caused by the applicant.

ZBA Board: The board concurred with staff's findings and the fact this was not created by the applicant.

5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.

Staff: It does not appear that development of the property in this manner would impact adjacent properties or the public health, safety and welfare of the community in general.

ZBA Board: M.D.O.T. approved a driveway access and location from M-71 and there was no objections received.

6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a special use permit is necessary.

Staff: The proposed variance does not permit the establishment of any use for which a special use permit is necessary.

ZBA Board: The board concurred with staff's findings.

7. Findings on whether the proposed development complies with the requirements, standards, or procedures given in the Zoning Ordinance or an interpretation of the disputed ordinance provisions, if applicable.

Staff: If the variance were to be approved, it appears that continued use of the property would be in compliance with requirements, standards and procedure in the Ordinance.

ZBA Board: The board concurred with staff's findings.

8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.

Staff: It is not readily apparent if any error in judgment or procedure has been made in administration of the Ordinance.

ZBA Board: The board concurred with staff's findings.

9. The possible precedents or affects which might result from the approval or denial or the appeal.

Staff: The ZBA may wish to discuss possible precedent and if other properties exist that are similar and may require variance as well. The ZBA has the ability to levy conditions that would ensure that the intent of the Ordinance is met in the future.

ZBA Board: The board would hope that there would be very few similar situations in the County as this. A Deed Restriction that would restrict the property from being divided in the future should be considered if the variance is approved. The board concurred with all findings.

10. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

Staff: It does not appear that this variance would impact the County or other governmental unit in the provision of services.

ZBA Board: The applicant already received access approvable from M-71 from M.D.O.T. A copy should be placed on file if the variance is approved with the Community Development Department. The board concurred with all findings.

Chair Martin stated unless there was additional discussion a motion was in order.

Motion: Fred Junger moved to approve Application Request #PZBA13-019 submitted by Todd W. Reno for a variance from Section 2.7.2.A to allow for a parcel to exceed 2.5-acres for the purposes of single-family residential use for property located at 6780 Goodall Rd., Corunna, MI 48817, in Section 6 of Vernon Township (Parcel Id.# 78-012-06-100-002-03) 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. The Board of Appeals discussed unique circumstances, practical difficulties, and the intentions of the applicant to develop the property. 2. Any additional reasoning as determined by the Board of Appeals.

Conditions: 1. A Deed Restriction be added stating the 10-acre parcel cannot be divided and if it is, the Dimensional Variance would become Null and Void.

Second: Ann Gamboe Hall.

Roll Call: Ayes to Approve: Brad Hissong, Gerald Wardell, Ann Gamboe Hall, Fred Junger, and Henry W. Martin III. **Nays:** None. **Motion carried: 5 ayes, 0 nays.**

8f. Approval of the 2014 Zoning Board of Appeals Scheduled Calendar for Meetings

Motion: Fred Junger moved to approve the 2014 Schedule as printed. **Second: Brad Hissong.**
Motion carried: 5 ayes, 0 nays.

9. INTERPRETATIONS OF THE ORDINANCE: None.

10. ZONING ADMINISTRATOR'S REPORT: Cordier referred to a Dimensional Variance granted to Harold Asbridge this past September. He was granted a variance for a lot size of 150'x400'. Mr. Asbridge applied for the Land Division and through the review process discovered the depth of the parcel was not correct and that the surveyor had made the error. The new survey reflects a lot size of 150'x478'. Mr. Asbridge would like to maintain that size lot. She asked the board how they wanted to handle this.

Speaker #1 – Bill Thelen of Sciota Township asked about implementing a 10 percent Administrative Waiver.

Preston replied that Administrative Waivers were no longer permitted under the Rural Zoning Enabling Act. Preston added that the board could handle the request two (2) ways. The board could determine that it would not change the intent of the original motion by changing the lot depth from 400 feet to 478 feet and/or they could request the applicant to come back and explain the circumstances relating to the change in size of the parcel.

After further discussion by the board, it was recommended that staff contact Mr. Asbridge informing him that he will need to come back before this board to request an amendment to the original motion and that there would be no charge.

Cordier noted the next meeting will be January 8, 2014; weather permitting.

11. BOARD MEMBER COMMENTS: Wardell stated he would not be at the January meeting and that he had also decided after the last meeting not to seek re-appointment. Martin stated he may be out of town as well on the 8th.

12. PUBLIC COMMENTS: None.

13. ADJOURNMENT:

Motion: Ann Gamboe Hall moved to adjourn the public hearing. **Second: Brad Hissong.**
Motion carried: 5 ayes, 0 nays.

Recording Secretary – Linda Gene Cordier

Henry W. Martin III, Chairman
Shiawassee County Zoning Board of Appeals

January 8, 2014
Date of Approval of Minutes