

CHARTER TOWNSHIP OF MONITOR  
ZONING BOARD OF APPEALS  
December 16, 2010

The meeting was called to order by J. Horen. at 7:02 p.m. Horen introduced the members of the Zoning Board of Appeals and explained the rules under which they function.

Members present: J. Horen, D. Darland, J. Gwizdala, T. Miller  
Members absent: W. Sinke  
Also present: J. Krueger, Alternate Member

Also in Attendance were: John and Sandy Brocavich, Jeremy McKeon

**Motion by D. Darland seconded by J. Gwizdala to adopt the agenda as presented.**

Motion carried.

**Motion by T. Miller seconded by J. Krueger to approve the minutes of December 2, 2010 as presented.**

Motion carried.

**Public Input**

Public input was opened and closed at 7:05 p.m. with no one wishing to speak.

**New Business**

John and Sandy Brocavich of 3763 Four Mile Rd., 09-100-011-300-020-10, requested a frontage variance of 19 (nineteen) feet with hopes of splitting the property and building a smaller home on the rear of the property.

J. Horen read the letter sent out to residents near the requested variance by John and Sandy Brocavich at 3763 Four Mile Rd.

Ms. Brocavich clarified that they were seeking an 18.5 (eighteen point five) foot variance, not 19 (nineteen) feet.

According to D. Darland, this would be a violation of the Land Division Act of 1997. As it is now, it meets the 4:1 ratio. Another concern is that an easement of 20-25 feet would be taken out of the 165 foot frontage when there are other options.

Mrs. Brocavich said that the front area of the property would not be used for anything.

J. Gwizdala noted that you would be taking a conforming lot and making it non-conforming. You can't create your own hardship.

D. Darland noted that the combination of being a violation of the Land Division Act and showing no hardship according to Sec. 18.10 would not make it possible to grant a variance.

Jeremy McKeon of 3785 Four Mile Rd. explained how his property adjoins that of the Brocavich's.

D. Darland noted that they would need to create a platted subdivision to do it properly. There are many different agencies that would need to approve it and an engineer would need to be hired as well.

**Darland moved that, given that the act of granting a variance would violate the Land Division Act; create a non-conforming property from a conforming property; and fail to meet any of the criteria for granting a variance in Section 18.10 a), b), and c) of the Monitor Township Zoning Ordinance, the Zoning Board of appeals denies the request for an 18' (eighteen foot) variance at 3763 Four Mile Rd. Supported by Gwizdala.**

Roll call:

Yes: Horen, Darland, Gwizdala, Miller, Krueger

No: None

Absent: Sinke

**Motion to deny carried.**

### **Reports**

Darland noted that Ms. McCafferty attended the Planning Commission meeting after being denied a variance by ZBA on her small parcel. The Planning Commission will be looking at non-conforming properties throughout the township. Possibilities are 1) a sliding scale or 2) a percentage with a minimum and maximum. The Planner and the attorney will both be bringing in examples for the Planning Commission to consider.

Darland would like the Planning Commission to look at ZBA cases up to five years back, organized by case type. For example: set backs, accessory buildings, etc. for Planning Commission purposes.

### **Communication**

**Miller moved to accept Communications. Supported by Gwizdala. Motion carried.**

**Horen moved, Krueger supported adjourning. Motion carried.**

The meeting was adjourned at 7:40 p.m.

Respectfully,

Terry Miller  
Secretary