

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
August 19, 2011

The meeting was called to order by J. Horne at 7:00 p.m.

Members present: J Horen, D Darland, J Gwizdala, W Sinke, T. Miller
Members absent: None
Also present: J Krueger, Alternate Member

Also in Attendance Were: Deputy Gillman

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

Motion carried. Mr. Miller's request will be heard second as he is not present.

Motion by T. Miller seconded by W. Sinke to approve the minutes of June 16, 2011 regular meeting as corrected. Mr. Miller would like to take down the present sign and *replace it in the same location.*

Motion carried.

Public Input

Public input was opened at 7:08 p.m. and closed at 7:09 p.m. with no one wishing to speak.

New Business

Kevin Linda Rear Yard, Side Yard, Height Variance
5674 Michael Drive 09-100-R15-000-066-00

J. Kruger asked if Mr. Linda had Consumer's Energy permission to put his existing shed on its property. Mr. Linda indicated that permission is in process. Since he has leased the easement for a year he would have permission to have the shed there for a year, but won't move it until he receives the paperwork from Consumers.

Robert Shultz of 5664 Michael Dr. indicated that he has had a long-time rental agreement with Consumers; he believes Consumers would probably allow use, but if Mr. Linda does it, everyone will use the easement for storage all the way from Salzburg on down. W. Sinke and J. Horen thought that only non-permanent use would be permitted in Consumers Energy's easement. Mr. Linda said that when he gets the paperwork he will bring it in to show us.

Darland noted the gray area that we enter into if buildings are allowed to be built on adjacent easement property. A homeowner is allowed certain square footage for an accessory building on his property. Would that mean that a homeowner could have an accessory building on his property and on the adjacent easement?

There was discussion around the subject of needing notarized permission by Consumers Energy allowing the shed to be moved on to their easement before a building permit could be issued since not more than one accessory building is allowed. Mr. Linda noted that his neighbors have built whatever they wanted because they didn't get a building permit.

W. Sinke indicated that the ZBA is not the enforcement body. What others have done in the past is not a reason to allow non-conforming practice today. Mr. Linda could put the building on his property without a variance since the property allows for the structure to be built with required setbacks. We can't take into consideration what Consumers might do. He still has to meet setback requirements.

W. Sinke moved that in the absence of a hardship, and as much as the property of Mr. Linda allows a structure to be built in conformance to the ordinance with the assistance of the building administrator and in conformance to a 15' height ordinance, the request for a variance is denied. Supported by T. Miller.

Roll call vote:

Yes: Horen, Darland, Gwizdala, Miller, Sinke

No: None

Absent: None

Motion carried to deny the request.

Bill Kramer of 5682 Michael Dr. asked what was going to be done about the possibility of moving a shed onto adjacent Consumers' easement. Would they still be allowed to build a shed on their property? The Zoning Board is interested in getting the township attorney's opinion on that question as well as getting Consumers Energy's general policy on use within the easement right-of-way.

Mr. Schultz said that the Consumers Energy representative was only concerned that the use conformed to the township ordinances. His lease is reviewed on a yearly basis.

Harold Miller/Batschke Sign Variance Request Continuation

1600 S. Euclid Ave. 09-100-037-400-050-00

Motion by Gwizdala, seconded by Horen to table Harold Miller's request for a sign variance until Mr. Miller can be represented at the meeting.

Roll call vote:

Yes: Darland, Gwizdala, Miller, Sinke, Horen

No: None

Absent: None

Motion carried to table.

Since Mr. Linda requested a copy of all of the letters the neighbors submitted objecting to his project, the public expressed concern about Mr. Linda's anger toward those who opposed him.

T. Miller moved to accept Communications supported by W. Sinke. Motion carried.

The meeting was adjourned at 7:55 p.m.

Respectfully,

Terry Miller
Secretary

TM/jw