

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
June 19, 2014

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

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

J. Krueger was assigned the position of Acting Secretary.

Also in Attendance Were: Check sign-in sheet

Pledge of Allegiance was recited.

Motion by W. Sinke seconded by D. Darland to adopt the agenda as presented.
Motion carried.

Motion by J. Krueger seconded by J. Horen to approve the minutes of November 21, 2013 as presented.
Motion carried.

Public Input

Public input was opened and closed at 7:02 p.m. with no other public wishing to speak.

Items for Consideration

Election of Officers

The election of officers was postponed by the Chair due to members absent.

Chairman Horen discussed the fact that there were only four members present and a tie vote would result in a denial of the motion. The applicants have the option of tabling their request or choosing to proceed.

Michigan Sugar chose to proceed.
Clarence Patterson chose to proceed.
Charles Card chose to proceed.

Michigan Sugar in Tech Park Front Setback Variance Request 09-100-V05-000-006-00

Michigan Sugar has requested a five (5) foot front variance to build a 20 x 30 office addition to the building at 1459 Valley Center Drive.

J. Krueger asked about the stakes on the property. The stakes marked the corners of the addition and the setback line was painted on the grass.

D. Darland asked why the addition could not go on the east side of the existing building where the dust collector is. Contractor Steve Leinberger and Jim Stewart from Michigan Sugar explained that there is a transformer there. Part of the reason that they can't put the addition there is because of the transformers and

mechanical issues there. The other reason is that the entrance from the existing offices into the new office addition dictates that it go on the front of the building.

D. Darland noted that economics cannot be considered for a variance. The lot size is adequate to accommodate an addition.

Michigan Sugar wants to project to their world visitors that they don't have to come through a warehouse to get to the office. Michigan Sugar purchased the existing building and did not build it. Southeast tanks were removed but 24" deep footings exist from previous owners, therefore it is not a self-imposed hardship.

Mr. Leinberger stated that Valley Park has approved the site plan and has no problem with the 5 foot variance. He also spoke about the safety of the human traffic as they would not need to go through the Lab area to get to the office..

Mr. Stewart explained the flow of traffic within the proposed addition.

Discussion followed.

Motion by D. Darland to deny the variance for Michigan Sugar, 09-100-V05-000-006-00, based on the fact that the addition of equal or greater functionality can be added without a variance required, therefore, Section 18:10 a, b, and c are not met and the building would be made non-conforming by approval. Seconded by W. Sinke.

Roll call vote:

Yes: Horen, Darland, Sinke, Krueger

No: None

Absent: Gwizdala, Miller

Motion carried to deny the variance.

Clarence Patterson Land Division, 09-100-019-200-010-01

Mr. Patterson is requesting a land division of his property at 255 Midland Rd that is deeper than a 4:1 ratio.

Chairman Horen again asked if Mr. Patterson would like to proceed or table his request and he chose to proceed.

The property is for sale. No one is living in the home as Mr. Ferrio passed away a few months ago. The heirs wish to keep the farmland, but sell the section that contains the buildings.

The Pipeline has an easement into the farmland.

J. Krueger questioned the configuration of the remaining property to the west of the proposed parcel and questioned Sec. 3.26 regarding the side yard of 20 ft. vs. 40 ft. of setback.

It was determined that the building would need a setback of 40 feet as it has a 14 ft. sidewall.

W. Sinke moved to table this issue until the next scheduled meeting. Supported by J. Horen.

Roll call vote:

Yes: Sinke, Krueger, Horen, Darland

No: None

Absent: Gwizdala, Miller

Motion carried to table.

Mrs. Jammer at 275 Midland Rd. requested that she be notified of the next meeting when the land division and side yard variance are on the agenda.

Charles Card Side Yard Setback, 09-100-016-400-040-05

Charles and Kathleen Card are requesting an eighty-six (86) foot side yard variance of their property at 4364 Mackinaw Rd. to erect a 72' x 200' arena behind the existing barn.

Pam Evans of 4400 Mackinaw Rd. said that the property was split from Mr. Powell in 1978.

The letter from the adjoining neighbor, Chmielewski, opposing such a large variance was read.

Mrs. Card would like the arena in that location because there is water in Barn #2 and they would be able to go from the barn to the arena without going out in inclement weather.

Building #1 was surveyed today and is 20 feet from the property line not 14 feet.

The large variance was discussed.

John Engel of 4400 Mackinaw Rd., adjacent to the subject property, addressed the board. His letter of objection has been placed in the file.

Mr. Card noted that the hardship is transferring horses from where they are housed to an arena where they can be ridden in bad weather. Mrs. Card wants to place a full size dressage arena there.

Motion by W. Sinke to deny the 86 ft. variance for 09-100-016-400-040-05, because it does not comply with section 18.10 a, b, and c and there are other options. Supported by J. Krueger.

Roll call vote:

Yes: Krueger, Darland, Sinke

No: Horen

Absent: Gwizdala, Miller

Motion to deny approved.

Reports

ZBA members are asking why the Michigan Sugar variance on M-84 has the pipes.

Communications

Communications were received.

The meeting was adjourned at 9:22 p.m.

Respectfully,

Joy Krueger, Acting Secretary