

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
November 21, 2013

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

Members present: J. Horen, D. Darland, W. Sinke, T. Miller, J. Krueger

Members absent: J. Gwizdala

Also present: Attorney Matthew Hewitt, of Counsel to Houghtalings

Also in Attendance Were: See Sign-in Sheet

The Pledge of Allegiance was recited by all.

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

Motion carried.

Motion by W. Sinke seconded by D. Darland to approve the minutes of August 15, 2013 as presented.

Motion carried.

Public Input

Public input was opened and closed at 7:03 p.m. with no public wishing to speak.

Items for Consideration

Hunt, Jeff, 2130 E. North Union, 09-100-023-100-240-00 Land Division

Jeff and Barb Hunt are requesting a variance of the Land Division Act 560.109 requirement of a parcel depth not more than four (4) times the width; requesting 4.47 to 1 ratio on their property at 2130 E. North Union.

Questions were asked of the Hunts relative to the origin of the easement by Consumers Energy. The property was purchased as vacant land and the home was built at a later date. D. Darland made the point that the problem is self-created and that opportunities exist within the property to bring the property into conformity with the Act; D. Darland demonstrated for the applicants the divisions that would bring them into conformity without need of a variance.

D. Darland moved that in the absence of a hardship and with opportunities on the existing property (09-100-023-100-240-00) that allow for meeting the Land Division Act, the applicant's request for a variance is denied. Supported by W. Sinke.

Roll call vote:

Yes: J. Horen, D. Darland, T. Miller, W. Sinke, J. Krueger

No: None

Absent: J. Gwizdala

Motion carried to deny the variance.

The applicant talked about ways that the property could be divided without violation. J. Horen also read the ordinance concerning benefits to family members in non-conforming divisions. The assessor may need to research the number of splits that have been made and in what year.

Houghtaling, Troy, 5369 Two Mile Rd. 09-100-037-300-390-00 Setbacks

The applicant is requesting a fifteen (15) foot side yard variance for their existing shed and a five (5) foot setback variance for their existing deck. There currently is no setback.

There was one letter received from a neighbor opposing the variance.

D. Darland indicated that he observed that the proximity of the Houghtaling property line and their buildings is a problem that is self-created. The shed is on a slab but the location is not legal unless the shed has eave troughs. However, there has been an effort to provide drainage. The deck goes right up to the line. Nothing prevents the movement of a shed or the movement of the deck to bring them into conformity.

J. Horen talked about moving the shed to bring it into conformity. D. Darland also attempted to describe an alternate placement that would, again, bring it into conformity.

J. Krueger described the problem of identifying the property line.

Extended discussion.

The play set will be moved.

J. Horen moved that due to practical difficulties and undue hardship (Township Ordinance 18.10 (a)); in the observation of the spirit of the ordinance, public safety observed (regarding pool and neighbor's home) and substantial justice done (Township Ordinance 18.10 (b)); and as much as this issue is not of a general or recurring nature (Township Ordinance 18.10 (c)); that the Houghtaling non-conforming shed be moved three (3) feet from the east property line (to the west), and six (6) additional feet from the south property line (to the north), and that a resulting one (1) foot four (4) inch variance be granted on the south and a seven (7) foot variance be granted on the east, and eave troughs be required of the shed. Furthermore, in the event a new shed is constructed it must conform to Township ordinances, and all must be brought into conformance by June 1, 2014.

Seconded by D. Darland.

Roll call vote:

Yes: Darland, Miller, Sinke, Krueger, Horen

No: None

Absent: Gwizdala

Motion Carried.

T. Miller moved to deny the Houghtaling's request for a variance on the five (5) foot setback for the existing deck; applicant has agreed to bring the deck into compliance by June 1, 2014. Seconded by D. Darland.

Roll call vote:

Yes: Miller, Sinke, Krueger, Horen, Darland

No: None

Absent: Gwizdala

Motion carried.

Reports

Communications

The meeting was adjourned at 9:16 p.m.

Respectfully,

Terry Miller
Secretary

TM/jw