

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
April 25, 2013

The meeting was called to order by Chairman Horen at 7:00 p.m.
The Pledge of Allegiance was recited.

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

Also in Attendance Were: Applicants Luann Toyzan, Mary Lou Oliver, Kate Cardinali

Motion by J. Horen , seconded by J. Krueger, to adopt the agenda as modified. Agenda items were rearranged.

Motion carried.

Motion by J. Gwizdala seconded by W. Sinke to approve the minutes of December 6, 2012 as presented since no one had objected to the Tom Weiss variance by the published date of December 26, 2012.

Motion carried.

Public Input

Public input was opened and closed at 7:04 p.m. with no one wishing to speak.

New Business

Oliver Rear Yard Variance, 09-100-R30-000-025-00, 4750 Birnbaum

Mary Lou Oliver requested a 1.67 ft. rear yard variance in order to add an All-Seasons room to the west of her home. Discussion ensued regarding the merits of the project, however, no apparent hardship was found according to Section 18.10 of Ordinance 52.

Motion by Miller that given the lack of hardship, the ZBA finds that the request for a variance by Mary Lou Oliver at 4750 Birnbaum Dr. does not meet the criteria of Section 18.10 (a), (b), or (c) and is, therefore, denied. Supported by Sinke.

Roll call vote:

Yes: Miller, Sinke, Krueger

No: Horen, Gwizdala

Absent: Darland

Motion carried to deny the request.

The Chair requested the Planning Commission look at rear yard setbacks in subdivisions as they are planned.

Toyzan Front Yard Variance, 09-100-S20-000-015-00, 4896 Dorey Dr.

Luann Toyzan requested a sixteen (16) foot front yard variance to replace an existing non-conforming carport with a 24' x 24' garage.

The chair noted the letter and presence of Diane McGee of 4886 Dorey Dr. in support of the variance.

Discussion was held regarding the County Drain in the side yard of Ms. Toyzan's property.

Motion by Sinke that the presence of the drain and the condition of the garage suggest both a hardship and a safety concern for the request by Louann Toyzan; the request also appears to meet Section 18.10 (c), and thus, the Zoning Board of Appeals grants the variance request for 4896 Dorey Drive. Supported by Krueger.

Roll call vote:

Yes: Gwizdala, Miller, Sinke, Krueger, Horen

No: None

Absent: Darland

Motion carried granting the requested variance.

Definition of Wedding Venue in AG

The chair pointed out the various issues associated with this project and wonders if it may be more appropriate in a commercial area.

Miller moved that according to Ordinance 52 Section 2.10, the intent of the Monitor Township Agricultural District as stated in Section 5.01 Description and Purpose is to "Preserve certain portions of the township for farming and animal husbandry, dairying, horticultural and other agricultural activities." The ZBA finds that a "wedding venue" is similar to a banquet hall. A banquet hall with necessary parking and for-profit nature, is a commercial operation (Section 2.76) and more appropriate for a commercial zone and inconsistent with the intent of preservation inherent in Section 5.01. Therefore a wedding venue does not fit the approved uses in AG zoning. Seconded by Sinke.

Roll call vote:

Yes: Sinke, Krueger, Horen, Gwizdala, Miller

No: None

Absent: Darland

Motion carried that a wedding venue does not fit the approved uses in AG zoning.

Discussion regarding re-zoning.

Election of Officers

Motion by J. Gwizdala supported by Krueger to re-elect the existing slate of officers for 2013.

Motion carried.

Reports

Mr. Tom Weiss brought documentation to the assessor changing the address in question on his property from 392 Salzburg to 372 Salzburg in Township records.

Communications

Meeting Dates for 2013 were approved.

W. Sinke moved to accept Communications seconded by J. Gwizdala. Motion carried.

Several members of the ZBA brought up issues that they are concerned about: One issue is with a residence on 2 Mile Rd., north of the railroad tracks where a house is being constructed before the existing house is razed and without a bond. Another shared a story of similar lack of enforcement. They asked that these concerns be shared with the Township Board.

J. Gwizdala moved, supported by J. Horen, to Adjourn. Motion carried.
The meeting was adjourned at 8:18 p.m.

Respectfully,

Terry Miller
Secretary