

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
November 22, 2016
Rescheduled from November 17, 2016

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

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

Also in Attendance Were: See Sign-in Sheet.

The Pledge of Allegiance was recited by those present.

Horen appointed J. Krueger as Acting Secretary for the meeting.

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

Motion by Sinke, seconded by Horen to approve the regular meeting minutes of October 20, 2016.
Motion carried.

Kenneth M. Malkin, current Supervisor of the Charter Township of Monitor, spoke stating that his intention will be to appoint Gary A. Brandt, Trustee, to replace Terry Miller, as the member to serve on the Zoning Board of Appeals at the next regular meeting of the Board of Trustees scheduled on Monday, November 28, 2016. He continued, stating that his occasional presence at Zoning Board of Appeals meetings will be as an advocate on township interests only.

Chairman Horen reminded those present that there is only a four (4) member Board and that a tie vote would be considered a denial. With that said, those with a variance will have the opportunity to table the issue to a future meeting with a full five (5) member Board. No applicants before the Board opted to table.

Public Input

Public input was opened and closed at 7:18 p.m.

New Business

Chase, Martin, 09-100-024-300-190-00, 2532 Midland Road, pole barn sq footage.

Chairman Horen began by reading the public notice that was mailed and posted. Martin Chase is requesting a variance to build a 32 x 60 (1920 sq ft) pole barn on a one acre lot. Martin Chase contends the structure would be considered cold storage and he would not be installing electricity. Darland commented, explaining that the application is incorrect,

as the property's legal description, which cannot include the road right-of-way, indicates that the property is .938 acres. Under the Ordinance, this would allow for a maximum building size of 1200 sq feet.

J. Krueger cited Chapter 3, Page 16, specifically the chart which states that a maximum accessory building to be 90% of the 1176 sq ft home, which would indicate the maximum size to be 1045 sq ft. Martin Chase stated he would be removing four sheds, with a combined area of 860 sq feet, from his property if allowed to build the larger pole building. D. Darland inquired if Mr. Chase was given the Sections 18.10 when he submitted his application at the township office. Mr. Chase stated he only received the application and the parcel description. Sinke stated that the office should have provided more assistance. J. Krueger comments, based on the chart for a building over 1500 sq feet, it would need to be 40 feet away from side and rear yard. Although there is no problem with the rear, to be 40 feet away from side yards is not feasible, and wants Mr. Chase to consider this. In order to build a building of 1920 sq feet, you would need approximately at the very least two to five acres of property. Mr. Chase could meet the ordinance with a 1500 sq ft or less accessory building, which requires 25 ft on each side. There was additional Board discussion on lot size.

W. Sinke pointed out that he does not initially see a variance, but considering the fact there was an error on the application, **W. Sinke moved, supported by J. Horen, to table the matter to give Mr. Chase time to correct his variance application requiring re-notification. Additionally, the Zoning Board of Appeals requests that the Township Board waive all additional costs to Mr. Chase.**

Roll Call Vote:

Yes: Krueger, Sinke, Horen, Darland

No: None

Absent: Gwizdala. No Board representative appointed at this time.

Motion carried to table.

Zentx Media Group/Copoco, 100-V06-000-002-00, 1479 Straits Drive, Sign size increase. Chairman Horen began by reading the public notice that was mailed and posted. Copoco Credit Union has requested a 72 sq ft sign variance, for a 104 sq ft two-sided sign in the commercial district, located in Valley Center Technology Park, off Mackinaw Road. Mike Wenz, of Zentx Media Group, presented their proposal, pointing out for the Board's consideration that the sign design is in line with their branding standards, yet quite a bit smaller than their Wilder Road branch sign. The sign also is similar in proportion to the surrounding area signage. The sign is within the 8 ft height requirement for monument signage and the identity/logo is within the 32 sq ft requirement area. The digital message center conforms to the current ordinance. It is one color (amber), mono-chrome, non-flashing, not an RGB Led. The proposed sign would be positioned 105 feet back. Fifty (50) feet of that set back was required by the drain commissioner.

Bill Bartlett, of Monitor DDA, commented that the DDA (Downtown Development Authority) is in favor of Copoco Credit Union being awarded the sign variance as it is on Mackinaw Road that maintains a speed limit of 50 mph. D. Darland stated that all variances must meet Section 18.10, (a), (b), and (c). There was considerable Board discussion, and safety was mentioned as a potential issue.

W. Sinke moved to grant the 72 sq foot variance for a 104 sq. ft sign, supported by J. Horen, as the variance application for Copoco Parcel 100-V06-000-002-00 pursuant to Section 18.10, (a), (b), and (c) meets the requirements of the Ordinance. 18.10(a): Not because of topography, but the existence of a 50 ft drain between the parcel and the main road; 18.10(b): the spirit of the Ordinance is observed, public safety secured, and substantial justice done; 18.10(c): it's not so general or recurrent in nature having a 50 ft drain easement between the business and the main road and 105 ft setback.

Roll Call Vote:

Yes: Krueger, Sinke, Horen, Darland

No: None

Absent: Gwizdala. No Board representative appointed at this time.

Motion carried to approve.

DeShano, Randy, 09-100-007-200-080-04, S. 7 Mile Road, 190' sand removal.

Chairman Horen began by reading the public notice that was mailed and posted.

Randy DeShano represented himself, as his son Jason DeShano was out of town. Mr. DeShano spoke explaining his intent to remove 6 to 7 feet of the sand bordering the east side of White Birch Hills Golf Course and replace with topsoil in order to farm this section of his property. He would be tapering the edge of the property making the section of the property aesthetically pleasing.

Adjacent property owner, Mr. David LeVasseur of 3656 S. 7 Mile Road, spoke questioning if the variance included the entire parcel, or just the west side of Deshano's property near the White Birch Golf Course. J. Horen commented, stating that the details for any approval could include the specific location for excavation.

Mr. DeShano stated that he is exchanging the sand with contractor Gushow Excavating for the topsoil and work. There was Board discussion on the length of time to complete the project, driveway access, dust control and the square footage of the area to be excavated. Mr. DeShano stated his intention is to complete the project soon in order to farm the area by spring. J. Horen reminded the Board that Mr. DeShano has already started the project, as he had prior Planning Commission approval to replace the sand up to 200 ft. from the adjoining property lines.

Motion by Darland supported by Krueger to approve a variance of 190' feet to allow the excavation within ten (10) feet of the north five hundred (500') feet of the west boundary and that all excavation be finalized by April 1, 2017 and all excavation and trucking be done between the hours of 8 a.m. and 8 p.m. Sec. 18.10(a) is met in that the extraordinary situation of land and that the land would be replaced and improved. Sec. 18.10(b) is met in that the inception of the ordinance was meant for mining. Sec. 18.10(c) is met in that the variance is not so general or recurrent in nature as to make reasonably practicable.

Roll call vote:

Yes: Krueger, Horen, Darland, Sinke

No: None

Absent: Gwizdala. No Board representative appointed at this time.

Motion carried to approve.

Reports

None

Communications

W. Sinke moved to accept Communications. J. Horen supported.

Motion carried.

W. Sinke made a motion to adjourn, seconded by J. Horen, motion carried.

The meeting was adjourned at 8:45 p.m.

Respectfully,

Joy Krueger
Acting Secretary

JK/blp