



**ZONING BOARD OF APPEALS
Special Meeting
November 4, 2015
7:00p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES SEPTEMBER 2, 2015
5. CORRESPONDENCE
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
8. EXISTING BUISINESS
 - A. VAR 2015-06: Request by McGuirk Mini Storage, Inc.
Location: 2420 E. Broomfield
9. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
10. ADJOURNMENT

CHARTER TOWNSHIP OF UNION

Zoning Board of Appeals

Regular Meeting

A regular meeting of the Charter Township of Union Board of Trustees was held on September 2, 2015 at 7:00 p.m. at Union Township Hall.

Meeting was called to order at 7:00 p.m.

Roll Call

Present: Jankens, Hauck, and Warner

Excused: Darin, McCracken

Resigned: Primeau, Newland

Others Present

Peter Gallinat & Jennifer Loveberry

Approval of Minutes

Hauck moved **Jankens** supported the approval of the June 3, 2015 minutes. Ayes: all. Motion carried.

Correspondence

Kathy Primeau and Guy Newland both sent letters resigning from the ZBA Board effective 9/2/2015.

Approval of Agenda

Jankens moved **Hauck** supported to approve the agenda as presented. Ayes: all. Motion carried.

Public Comment: Restricted to (3) minutes regarding issues not on this Agenda

None

Existing Business

- A. VAR 2015-05: Request by Paul and Karen Gross, location: 2637 S. Meridian Rd.: a variance of 23 feet in the rear yard in an AG zone.

Peter Gallinat, Union Township Planning/Zoning Administrator read the public hearing notice regarding this variance.

Paul Gross explained why the variance was being requested, the board held a discussion regarding the variance.

Chair Warner opened the floor to public comment at 7:07 p.m. - none

After the public comment the board held another discussion. Chair Warner stated that there would be a 21 day appeal period before the decision is final.

Jankens moved **Hauck** supported to approve VAR 2015-05 as request by Paul Gross. Vote: Ayes: All. Motion carried.

EXTENDED PUBLIC COMMENT

None

ADJOURNMENT

Hauck motioned **Jankens** supported to adjourn the meeting. Chair Warner adjourned the meeting at 7:14 p.m.

APPROVED BY:

Bill McCracken –Secretary

(Recorded by Jennifer Loveberry)

NOTICE OF APPEAL
Charter Township of Union

ZONING BOARD OF APPEALS

DATE: 10-15-2015

I (we) McGuirk Mini Storage Inc. P.O. Box 530 Mt. Pleasant, MI 48858
Name Address

owners of property at 2420 E. Broomfield Road, Mt. Pleasant, MI 48858,

the legal description is: T14N R4W SEC 28 W1/2 OF E 1/2 OF NE 1/4 OF NW 1/4

respectfully request that a determination be made by the Zoning Board of Appeals on the following appeal or application which was denied by the Zoning Inspector because, in the opinion of said inspector, does not comply with the Union Township Zoning Ordinance and therefore must come before the Zoning Board of Appeals:

- I. Variance
- II. Interpretation of Text or Map
- III. Administrative Review

NOTE: Use one section below as appropriate. If space provided is inadequate, use a separate sheet.

-
-
- I. Written application for a zone variance as provided by the Zoning Ordinance Section 5 (c)

a. Provision of the Zoning Ordinance from which a variance is sought 22.2 (H)

DESCRIPTION	REQUIRED	DESIRED (I can only provide X)	VARIANCE (= Required – Desired)
Example – Side Yard	10 feet	8 feet	2 feet
Side Yard	100 feet	40 feet	60 feet

b. What are the special conditions and/or circumstances peculiar to this land, structure, or building which are not found belonging to similar properties in the same zoning district in other parts of Union Township?

SEE ATTACHED

c. Which is any of the above (b) special conditions or circumstances are the direct result from actions taken by the applicant for this variance?

SEE ATTACHED

d. If the Zoning Ordinance were to be strictly enforced in your particular case, what would be the nature and extent of unnecessary hardships or particular difficulties?

SEE ATTACHED

- e. If your request for the variance was granted, do you feel that you would have been given any special privileges that others in the same zoning district would not have? _____ If yes, please explain:

SEE ATTACHED

- f. Attach plot plan, showing lot lines, location of existing building, proposed buildings and any additions to existing buildings, plus distance from property lines.
- g. Date property was acquired 3-11-15

II. Appeal for Interpretation

Relating to enforcement of the Zoning Ordinance

a. Article, section, subsection, or paragraph in question

b. Describe if interpretation of district map

III. Administrative Review

a. Article, section, subsection, or paragraph in question

Fees \$ 150
Special meeting 75 Signature of Applicant 

FOR ZONING BOARD OF APPEALS USE ONLY

Appeals received, date: 10-15-15

Public Notice published, date: 10-20-15

Public Notice mailed, date: 10-15-15

Hearing held, date: 11-4-15

Decision of Board of Appeals: _____

Reasons: _____



Isabella County Land Records

Thu Oct 15 2015 01:01:52 PM

Property Address

2420 E BROOMFIELD
MT PLEASANT, MI 48858

Owner Address

MCGUIRK MINI STORAGE INC
PO BOX 530
MT PLEASANT, MI 48858

Township/City Code: 014
Township/City Name: Union Township
Village Code:
Village Name:

Taxpayer Information

See Owner Address

General Information for Current Tax Year

Parcel Number: 14-028-10-002-01 **Assessed Value:** \$126200
Property Class Code: 201 **State Equalized Value:** \$126200
Property Class Name: Commercial Real Property **Taxable Value:** \$106441
Property Type: Real Property
School District Code: 37010
School District Name: Mt. Pleasant Schools
Community College:
Exemption Percent: 0%
Exemption Type:

Land Information

Acreage: 10.07
Town: 14N
Range: 04W
Section: 028

Legal Information

T14N R4W, SEC 28, W 1/2 OF E 1/2 OF NE 1/4 OF NW 1/4

Sales Information

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
2015-03-11	0					01693 0137

ATTACHMENT

McGuirk Mini Storage, Inc.
P.O. Box 530
Mt. Pleasant, Michigan

Parcel # 14-028-10-002-01
Current Zoning: B-4

Request For Zoning Variance – Side yard Setback – Special Condition.

Section 22 B-4 General Business District

Section 22.2 Permitted Uses

Item H Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district.

Item H Discussion Items:

- 1) Within the B-4 Zoning setback table (Section 29, Item B of the Ordinance) the side and rear yard setbacks of the B-4 and B-5 districts are increased for 20 and 25 feet to 40 feet, respectively when adjacent to a Residentially zoned parcel. This is for all but one Permitted Use within the district.
- 2) Specifically indicates that indoor commercial recreational activities are the only uses or activities that have the additional setback requirements, when located adjacent to any residential district. Recreational activities, which are contained within a structure, are required to have an additional 60 feet of setback. Having activities within a structure provides significantly more buffering, sound proofing and physical separation than any landscape of fence buffering could ever do. An outdoor skating rink or tennis court would be allowed to be within 40 feet of the residential boundary with absolutely no buffer or sound proofing required by the ordinance.
- 3) Restaurants, private clubs and lodges, which would be allowed to have outdoor patios and the right to serve alcohol, would be allowed to locate their structures within 40 feet of a residential boundary.
- 4) Assembly halls, concert halls and similar places of assembly would be allowed to have their structures within 40 feet of a residential boundary. A concert hall, which by nature has loud activities, is not restricted to the extent that an indoor recreational facility is.
- 5) Hotels and motels would be allowed to have their structures within 40 feet of a residential boundary. These uses typically have patios, pools and activity centers that may be either indoor or outdoor.

The area which the Variance is being requested is adjacent to a long existing golf driving range. The structures servicing the driving range are located within a B-4 Zoning District along Broomfield Road. The driving range extends Southerly, approximately 900 feet past the B-4

McGuirk Mini Storage, Inc.
Request For Zoning Variance
Parcel # 14-028-10-002-01
Current Zoning: B-4

District boundary. This area is Zoned R-1 (Single Family Residential). A driving range is differentiated from a golf course within the Union Township Zoning Ordinance. A driving range is not a Permitted Use Nor a Special Use within the R-1 District. Thus, the parcel that is to be “buffered” with the additional setback area is actually a commercial enterprise not vacant residential property and would be considered an Existing Non-Conforming Use. All of the lands utilized by the driving range should be Zoned B-4. This creates a unique situation for this request. If the adjacent property were to be correctly zoned for its use, the setback would be the standard B-4 side yard setback of 20 feet.

Calling the adjacent commercial driving range a residential property creates an unnecessary hardship for our parcel and its use. This non-conforming, long standing commercially used, parcel of land is doubling the standard setback from 20 feet to 40 feet and in any case where the proposed use falls within Item H of the B-4 District would increase the setback from 20 feet to 100 feet. This is not a self imposed hardship. This is a hardship imposed upon this parcel due to the adjacent Westerly parcel not being zoned properly for its use.

If this Variance were to be granted, it would not be granting this parcel any special privileges. If the adjacent property were zoned appropriately for its use the setback would be 20 feet. By granting the Variance request, the setback would be twice the required setback.

By granting this Variance the Zoning Board will help to negate the long standing adjacent non-conformity while still protecting the potential possible future use of the parcel as residential.

We hope that the information provided is helpful in your determination and we look forward to discussing this request with you.

Sincerely,

Central Michigan Surveying & Development Company, Inc.
On Behalf of McGuirk Mini Storage, Inc.



Timothy Bebee
President

Union Township Public Hearing Notice – Variance

NOTICE is hereby given that a Public Hearing will be held on Wednesday, Nov 04, 2015, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Zoning Board of Appeals for the purpose of hearing any interested persons in the following request for a Variance from Sections 22.2H of the Union Township Zoning Ordinance 1991-5 as amended.

Requested by: McGuirk Mini Storage Inc, a variance of 60' for a side yard setback in a B4 zone

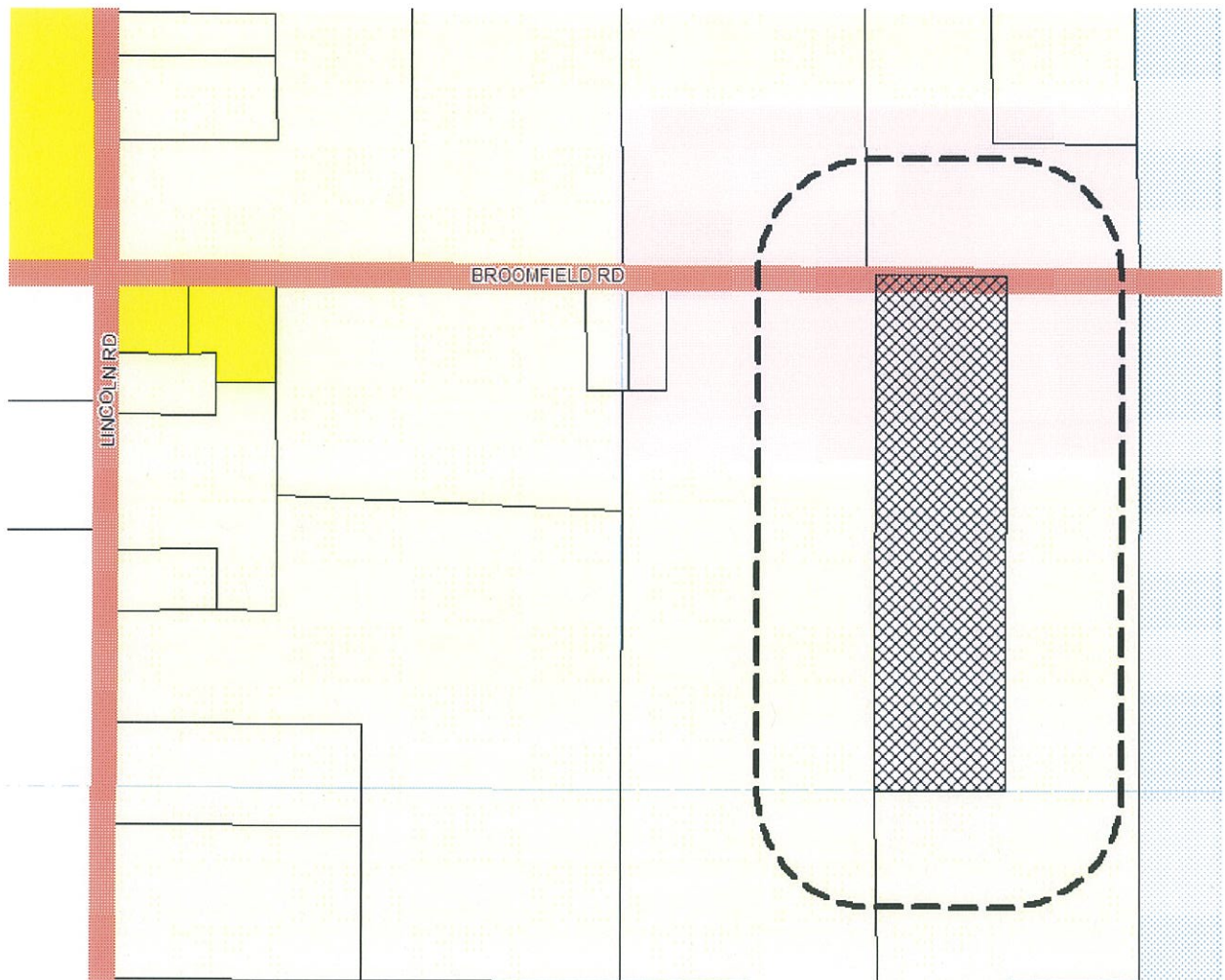
Legal Description of property: T14N R4W SEC 28 W ½ OF NE ¼ OF NW ¼

This property is located at 2420 E. Broomfield Road

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt Peasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone number (989) 772-4600 extension 241.

Peter Gallinat, Union Twp Planner



The checked parcel represents the property subject to the proposed Variance which the applicant has applied for. The dashed oval shape represents residents within 300 feet of the applicant's property. The address of the property is 2420 E BROOMFIELD Mount Pleasant, MI 48858. The pink parcels are zoned B-4 (General Business) the yellow-tan parcels are zoned R-1 (One-Family Residential District)

MCGUIRK MINI STORAGE INC
PO BOX 530
MT PLEASANT, MI 48858

B NELSON ENTERPRISES INC
2280 E BROOMFIELD RD
MOUNT PLEASANT, MI 48858

PETERS EDWARD ET AL
4240 MILLBROOK RD
MT PLEASANT, MI 48858

DEANS BRIAN
2265 E BROOMFIELD RD
MT PLEASANT, MI 48858

OTTERBINE MICHAEL TRUST
1832 W IRVING PARK RD APT 2
CHICAGO, IL 60615

AFFIDAVIT OF PUBLICATION
48 West Huron Street • Pontiac, MI 48342

CHARTER TOWNSHIP OF UNION
2010 S Lincoln

Mount Pleasant, MI 48858
Attention: Peter Gallinat

**STATE OF MICHIGAN,
COUNTY OF OAKLAND**

Lynn Dropping
Lynn Dropping

The undersigned _____, being duly sworn the he/she is the principal clerk of Morning Sun, morningstarpublishing.com, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

CHARTER TOWNSHIP OF UNION

Published in the following edition(s):

Morning Sun 10/20/15
morningstarpublishing.com 10/20/15



Sworn to the subscribed before me this 21st October 2015

Tina M Crown

Notary Public, State of Michigan
Acting in County of Oakland

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Client Id: 531226

Ad Id: 789826

PO:

Sales Person: 200307

**UNION TOWNSHIP
PUBLIC HEARING NOTICE - VARIANCE**

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