CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Regular Meeting

A regular meeting of the Charter Township of Zoning Board of Appeals was held on December 7, 2016 at 7:00 p.m. at Union Township Hall.

Meeting was called to order at 7:16 p.m.

Roll Call
Present: Jake Hunter, Bryan Mielke, Paul Gross, and Tim Warner
Excused: Mike Darin & Bill McCracken

Gross moved **Hunter** supported to name Mielke as Secretary Pro Tem in the absence of Secretary McCracken for the December 7, 2016 Zoning Board of Appeals Meeting. **Vote: Ayes: 4 Nays: 0. Motion carried.**

Others Present
Peter Gallinat, Jennifer Loveberry

Approval of Minutes
Gross moved **Hunter** supported the approval of the November 15, 2016 minutes with corrections. Vote: **Ayes: 4 Nays 0. Motion carried.**

Correspondence / Board Reports
Peter Gallinat received two phone calls regarding variance: one was a tax question and the other question was on the use.

Approval of Agenda
Gross moved **Mielke** supported to approve the agenda as presented. Vote: Ayes: 4 Nays 0. **Motion carried.**

Public Comment: Restricted to (3) minutes regarding issues not on this Agenda
No comments.

New Business

A. Public Hearing Variance 2016-03

Public Notice was read by Township Planner, Gallinat
Public Hearing Open at 7:26 p.m.
No comments.

A1. Variance 2016-03 Casipit Medical
Location: 2245 S. Isabella

Tim Beebe, CMS&D, on behalf of the applicant, presented the request for the variance requesting a 20.44ft variance for the required minimum lot width along with a 305.55 square feet variance for the required

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minimum lot area. The current parcel is 79.56 feet wide and has a lot area of 15,694.45 square feet. Section 29 of the zoning ordinance requires the minimum lot width to be 100ft and the minimum lot area to be 16,000 square feet.

P. Gallinat gave a brief history of the property. The parcel was part of a Township rezoning adopted in October 2011 after the Master Plan was finished that was originally zoned R2-B. The applicant had a site plan approved with the condition that a dimensional variance is obtained per section 9.1 and 9.9.

Discussion was held by the board. Section 9.1 states that utilization of existing lots that are non-conforming with dimensional requirements of the zoned district may be permitted provided Section 5 is complied with. And section 9.9 states that utilization of an existing lot not conforming to area, width or other provisions of this ordinance may be permitted provided a variance is obtained.

Mielke moved **Gross** supported to approve variance 2016-03 Casipit Medical, granting a 20.44 feet variance for the required minimum lot width along with a 305.55 square feet variance for the required lot area for the following reasons: a special condition that is peculiar to the land is that the original zoning required a smaller minimum lot width and lot area that the current zoning, a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance, that special conditions and circumstances do not result from actions of the applicant (this rezone was done by the Township and not the applicant), and that granting the variance will not confer on the applicant any special privilege. **Vote: Ayes: 4 Nays 0. Motion carried.**

Chair Warner stated that there would be a 21 day appeal period before the decision is final. Peter Gallinat read sections 5.4f and 5.11 of the zoning ordinance.

B. Consider and set the 2017 Zoning Board of Appeals Meeting Dates

Hunter moved **Gross** supported to table setting the 2017 Zoning Board of Appeals Meeting Date until the December 14, 2016 special meeting so Gallinat can answer questions that the Board of Appeals has regarding the Open Meetings Act. **Vote: Ayes: 4 Nays 0. Motion carried.**

EXTENDED PUBLIC COMMENT
No comments.

ADJOURNMENT
Chair Warner adjourned the meeting at 7:47 p.m.

APPROVED BY:

Bill McCracken –Secretary

(Recorded by Jennifer Loveberry)

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