



**ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**May 3, 2017**  
**7:00p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES APRIL 05, 2017
5. CORRESPONDENCE / BOARD REPORTS
  - Boards and Commissions Expiration Dates
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
8. PUBLIC HEARINGS
  - A. VAR 2017-03 4815 E. Valley Rd. Owner Jeff Stanton 4' variance accessory building height.(Action: Hold Public Hearing)
  - B. VAR 2017-04 2113 McDonald Dr. Owner Phil Hertzler and Jessica 7' variance accessory building location.(Action: Hold Public Hearing)
9. NEW BUSINESS
  - A. VAR 2017-03 4815 E. Valley Rd. Owner Jeff Stanton 4' variance accessory building height.(Action: Approve or deny variance with reason)
  - B. VAR 2017-04 2113 McDonald Dr. Owner Phil Hertzler and Jessica 7' variance accessory building location.(Action: Approve or deny variance with reason)
10. OTHER BUISINESS
11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
12. FINAL BOARD COMMENT
12. ADJOURNMENT

Peter Gallinat, Township Planner  
pgallinat@uniontownshipmi.com  
2010 South Lincoln  
Mt. Pleasant, MI 48858  
Phone 989-772-4600 Ext. 241  
Fax 989-773-1988

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TO: Zoning Board of Appeals  
FROM: Township Planner

04/28/2017

**SUBJECT: A) Variance 2017-03 4815 E. Valley Rd**  
(Requires Public Hearing)

**Location:** 4815 E. Valley Rd.

**Current Zoning:** B-5 Highway Business District

**Adjacent Zoning:** AG to the North, R-1 to the East, R-1 to the West, and R-1 to the South across the street.

**Future Land Use/Intent:** A-2(Agricultural): Provide additional land for primarily residential uses with some mixed use development, relying on the underlying, zoning as a guide. This area should only be developed when it is a logical extension of the developed area in A-3.

**Current Use:** Residential

**Reason for Request:** Applicant request to expand existing accessory structure. Applicant requires additional 4ft for the height of the structure for 16 ft. Zoning does not permit structure to be over 12ft in height.(8.1.F)

**History:** Property was granted a variance for the front yard setback requirement, and lot size on June 16, 2005 for existing accessory structure.( I have attached copies of the notice, minutes and a staff memo related to that Variance in 2005) Applicant has applied for a building permit to expand said accessory structure. Originally the applicant desired to build a second accessory structure but that is not permitted. The current proposed project does not further encroach upon the front yard.

**Objective of board:** Grant or deny Variance 2017-03. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until a written application for a variance is submitted demonstrating section 5.8.C.a-e.

I would recommend denial of variance 2017-03 for reasons below in line with section 5.8.C.a-e. I have also added a possible solution.

- The only special conditions and circumstances existing peculiar to the land, structure, or building involved that are not applicable to other lands, structures or buildings in the same Zoning District is that the current structure has a variance for a setback and the property a variance for lot size.

- A literal interpretation of this ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District.
- The special conditions and circumstances do result from the actions of the applicant.
- The variance could be looked at as conferring special privilege onto the applicant denied by this Ordinance to other lands, structures, or buildings in the same Zoning District.
- No non conforming use of neighborhood lands, structures or buildings in the same Zoning District, and no permitted use of lands, structures, or buildings in other Zoning Districts shall be considered grounds for the issuance of a variance .

A possible solution for the applicant if the variance is denied is found in section 8.1.C. "Accessory structures shall be considered as attached to the principal building if the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device."

**SUBJECT:      B) Variance 2017-04 2113 McDonald Dr**  
 (Requires Public Hearing)

**Location:** 2113 McDonald Dr.

**Current Zoning:** R-2A One and Two Family Low Density Residential District

**Adjacent Zoning:** R-2A on the North, East, West and South across the street.

**Future Land Use/Intent:** A-3 (Agricultural): Buffer existing agricultural or undeveloped land from new development. Desired uses in this area follow the existing zoning

**Current Use:** Residential

**Reason for Request:** Applicant requests a 7ft variance for the placement of an accessory structure. Accessory structure must be at least 10ft from the principal building. (8.1.C)

**History:** The current owner has owned the property since March 2003 and used the property for residential use.

**Objective of board:** Grant or deny Variance 2017-04. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until a written application for a variance is submitted demonstrating section 5.8.C.a-e.

I would recommend denial of variance 2017-04 for reasons below in line with section 5.8.C.a-e. I have also added a possible solution.

- There are no special conditions and circumstances existing peculiar to the land, structure, or building involved that are not applicable to other lands, structures or buildings in the same Zoning District.
- A literal interpretation of this ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District.

- Any special conditions and circumstances do result from the actions of the applicant.
- The variance could be looked at as conferring special privilege onto the applicant denied by this Ordinance to other lands, structures, or buildings in the same Zoning District.
- Despite non conforming use of neighborhood lands, structures or buildings in the same Zoning District these cannot be considered grounds for issuance of a variance. Likewise, no permitted use of lands, structures, or buildings in other Zoning Districts shall be considered grounds for the issuance of a variance.

A possible solution for the applicant if the variance is denied is found in section 8.1.C. "Accessory structures shall be considered as attached to the principal building if the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device."

Peter Gallinat

Twp Planner

**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 April 5, 2017 at 7:00 p.m. at Union Township Hall.

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

**Roll Call**

Present: Jake Hunter, Paul Gross, Taylor Sheahan-Stahl, Andy Theisen, and Tim Warner  
Excused: Mike Darin and Bryan Mielke

**Others Present**

Peter Gallinat and Jennifer Loveberry

**Correspondence / Board Reports**

Gallinat reported that Kuhn Rogers PLC had sent email with name correction (Quandt) and 2 minor typos in the March 1, 2017 minutes suggesting that they be corrected.

**Approval of Minutes**

Theisen moved Hunter supported the approval of the March 1, 2017 minutes with minor corrections. Vote: Ayes: 5 Nays 0. Motion carried.

**Approval of Agenda**

Hunter moved Gross supported to approve the agenda as presented. Vote: Ayes: 5 Nays 0. Motion carried.

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

Open – 7:04 p.m.  
No comments.

**Public Hearings**

**New Business**

**Other Business**

**Extended Public Comment**

Open 7:04 p.m.  
No comments.

**Final Board Comment**

Gallinat – Updated the Board on the township attorney’s response to resolutions brought before the Zoning Board of Appeals.  
Theisen – Commented on training he attended.

**Adjournment**

Chair Warner adjourned the meeting at 7:09 p.m.

**APPROVED BY:** \_\_\_\_\_

**Mike Darin –Secretary**  
**Jake Hunter – Vice Secretary**

*(Recorded by Jennifer Loveberry)*

DRAFT



## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Norm	Woerle	11/20/2020
2-Chair	Phil	Squatrito	2/15/2020
3- Vice Chair	Bryan	Mielke	2/15/2018
4-Secretary	Alex	Fuller	2/15/2020
5-Vice Secretary	John	Zerbe	2/15/2018
6	Ryan	Buckley	2/15/2019
7	Denise	Webster	2/15/2020
8	Erik	Robinette	2/15/2018
9	Dwayne	Strachan	2/15/2018
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1-Chair	Tim	Warner	12/31/2019
2-PC Rep / Vice Chair	Bryan	Mielke	2/18/2018
3-Vice Secretary	Jake	Hunter	12/31/2019
4-Secretary	Mike	Darin	12/31/2019
5	Paul	Gross	12/31/2018
Alt. #1	Andy	Theisen	12/31/2019
Alt. #2	Taylor	Sheahan-Stahl	2/15/2018
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1-Chair	Ronald	Mclvor	12/31/2018
2	James	Thering	12/31/2018
3	Brian	Neyer	12/31/2018
Alt #1	Mary Beth	Orr	1/25/2019
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Laura	Coffee	12/31/2018
2	Mike	Lyon	12/31/2018
3	Jay	Kahn	12/31/2018
4	Phil	Mikus	11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2017
2	Richard	Klumpp	12/31/2017
3	Andy	Theisen	12/31/2017
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2018
2	John	Dinse	12/31/2017
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2019



## Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1	Thomas	Kequom	4/14/2019
2	James	Zalud	4/14/2019
3	Robert	Elmore	2/13/2017
4	Robert	Bacon	1/13/2019
5	Ben	Gunning	11/20/2020
6	Marty	Figg	6/22/2018
7	Sarvijit	Chowdhary	1/20/2018
8	Cheryl	Hunter	6/22/2019
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	Mark	Perry	3/26/2018
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Brian	Smith	12/31/2019



# digitalfirst

MEDIA

MICHIGAN GROUP

Account: **531226**  
 Name:  
 Company: **CHARTER TOWNSHIP OF UNION**  
 Address: **2010 S Lincoln  
 Mount Pleasant, MI 48858**  
 Telephone: **(989) 772-4600**  
 Fax: **(000) 000-0000**  
 Description: **Union Township Public Hearing Notice**

Date: **04/14/17**  
 Start Date: **04/18/17** Stop Date: **04/18/17**  
 Class: **1201 - Legal Notices**  
 Ad ID: **1309708**  
 Ad Taker: **CRAREED21**  
 Sales Person: **Ashley Reed (200307)**  
 Words: **249**  
 Lines: **33**  
 Agate Lines: **62**  
 Depth: **3.4**  
 Inserts: **2**  
 Blind Box:  
 PO Number:

Ad sample

**Union Township Public Hearing Notice - Variance**

NOTICE is hereby given that a Public Hearing will be held on Wednesday, May 3, 2017, 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 8.1.F as required by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by: **Jeff Stanton**: a 4ft variance for the height of an accessory building in an R-1 District. (Rural Residential District)

Legal Description of property: T14N R4W SEC 2 COM 348 FT S OF NW COR OF SE 1/4 OF NE 1/4 TH S TO CL OF VALLEY RD TH NELY ALG CL OF VALLEY RD 193 FT TH N TO S LINE OF C & O RR ROW TH SW ALG RR ROW TO POB I/E EZMT L859 P297 . COMBINATION FOR 2012 FROM 20-007-00 & 20-007-01 TO 20-007-02

This property is located at 4815 E. Valley Rd.

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 Ext. 241

Peter Gallinat  
 Union Twp Planner  
 Published April 18, 2017

Total: **\$140.22**

Paid Amount: **\$0.00**

Amount Due: **\$140.22**

**Publication**

Morning Sun, morningstarpublishing.com

*We Appreciate Your Business!  
 Thank You !*

**CONTACT US:** Macomb Daily: (866) 288-2989 Daily Tribune: (866) 288-2989 Oakland Press: (877) 271-1272  
 Heritage: (877) 332-1898 Morning Star: (877) 483-3450 Voice: (877) 463-9893

# digitalfirst

MEDIA

**MICHIGAN GROUP**

Account: **531226**  
 Name:  
 Company: **CHARTER TOWNSHIP OF UNION**  
  
 Address: **2010 S Lincoln**  
**Mount Pleasant, MI 48858**  
  
 Telephone: **(989) 772-4600**  
 Fax: **(000) 000-0000**  
 Description: **Union Township Public Hearing Notice**

Date: **04/14/17**  
 Start Date: **04/18/17** Stop Date: **04/18/17**  
 Class: **1201 - Legal Notices**  
 Ad ID: **1309716**  
 Ad Taker: **CRAREED21**  
 Sales Person: **Ashley Reed (200307)**  
 Words: **191**  
 Lines: **29**  
 Agate Lines: **54**  
 Depth: **3.0**  
 Inserts: **2**  
 Blind Box:  
 PO Number:

Ad sample

**Union Township Public Hearing Notice - Variance**

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Requested by: Philip Hertzler and Jessica: a 7ft variance for the location of an accessory structure to a principal structure.

Legal Description of property: T14N R4W SEC 9 LINCOLN COURT SUB LOT 7

This property is located at 2113 McDonald Dr.

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 Ext. 241.

Peter Gallinat  
 Union Twp Planner  
 Published April 18, 2017

Total: **\$126.90**

Paid Amount: **\$0.00**

Amount Due: **\$126.90**

**Publication**

Morning Sun, morningstarpublishing.com

*We Appreciate Your Business!*  
*Thank You !*

**CONTACT US:** Macomb Daily: (866) 288-2989 Daily Tribune: (866) 288-2989 Oakland Press: (877) 271-1272  
 Heritage: (877) 332-1898 Morning Star: (877) 483-3450 Voice: (877) 463-9893

**NOTICE OF APPEAL  
Charter Township of Union**

**ZONING BOARD OF APPEALS**

DATE: 3-24-17

I (we) Jeff Stanton  
Name Address

owners of property at 4815 E. Valley Rd.

the legal description is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

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- 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 \_\_\_\_\_

DESCRIPTION	REQUIRED	DESIRED (I can only provide X)	VARIANCE (= Required - Desired)
Example - Side Yard	10 feet	8 feet	2 feet
Ceiling height	12 feet	16 feet	4 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?

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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?

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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?

wouldn't build new structure

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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? No If yes, please explain:

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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 6-2002

II. Appeal for Interpretation

Relating to enforcement of the Zoning Ordinance

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

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b. Describe if interpretation of district map

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III. Administrative Review

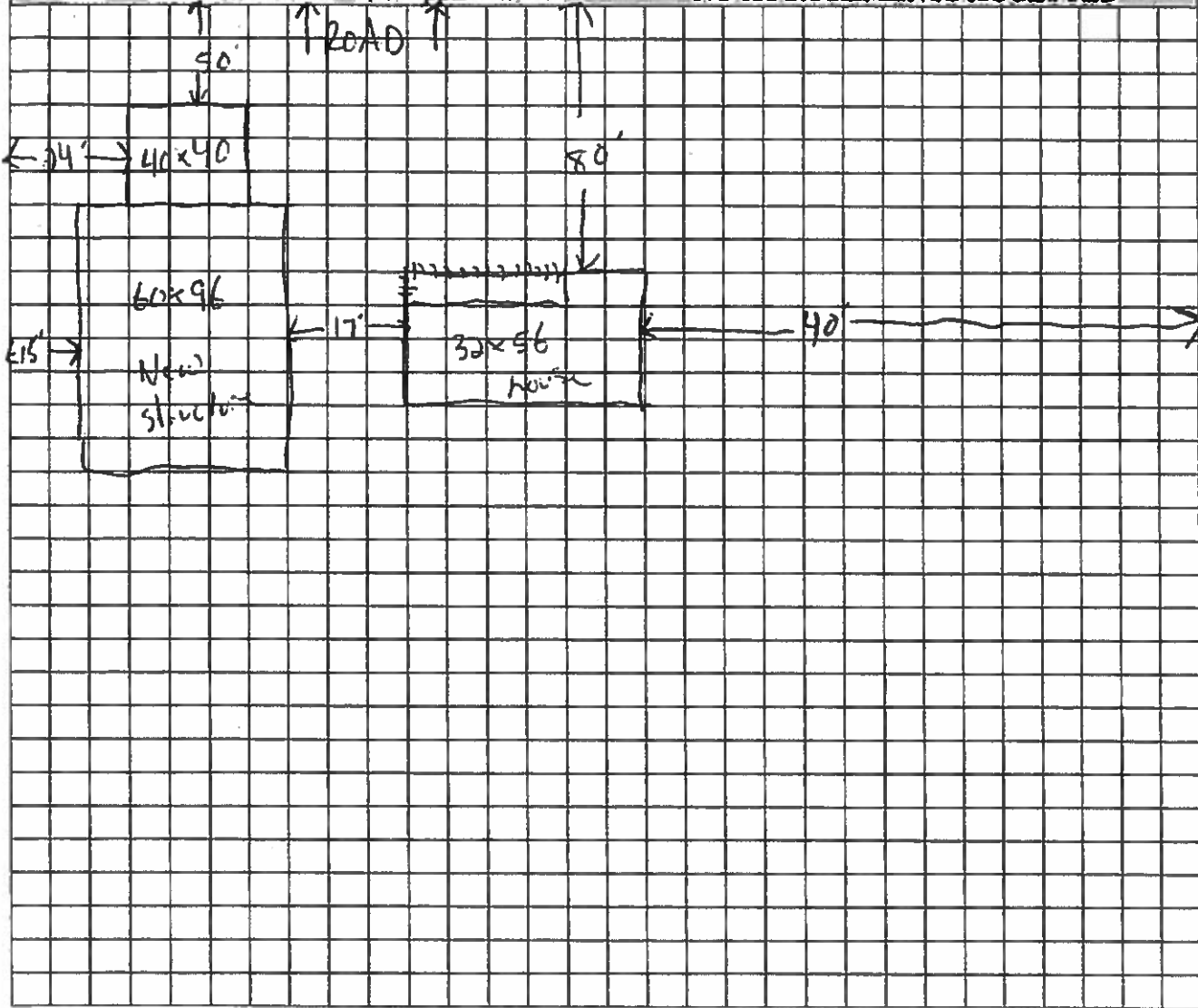
a. Article, section, subsection, or paragraph in question

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\*\*\*\*\*  
Fees \_\_\_\_\_   
Signature of Applicant  
\*\*\*\*\*

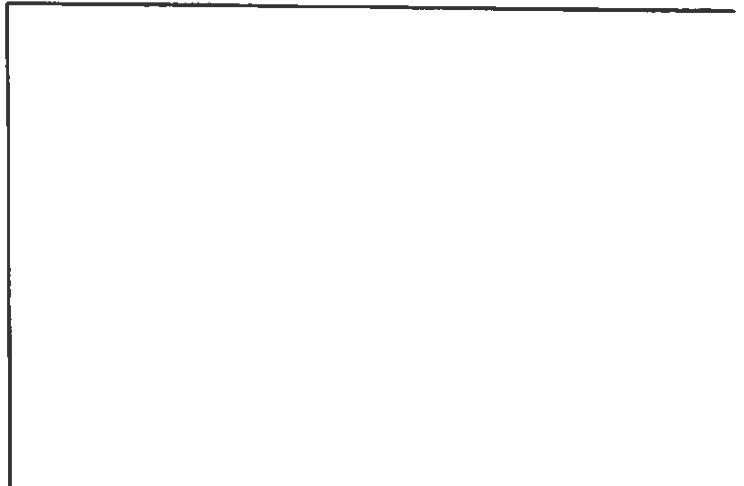
III. Site or Plot Plan - For Applicant Use

NO ATTACHMENTS ACCEPTED



Charter Township of Union does not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the American Disabilities Act, you may make your needs known to this agency.

OFFICE USE ONLY



## **Union Township Public Hearing Notice – Variance**

NOTICE is hereby given that a Public Hearing will be held on Wednesday, May 3, 2017, 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 8.1.F as required by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by: **Jeff Stanton**: a 4ft variance for the height of an accessory building in an R-1 District. (Rural Residential District)

Legal Description of property: T14N R4W SEC 2 COM 348 FT S OF NW COR OF SE 1/4 OF NE 1/4 TH S TO CL OF VALLEY RD TH NELY ALG CL OF VALLEY RD 193 FT TH N TO S LINE OF C & O RR ROW TH SW ALG RR ROW TO POB I/E EZMT L859 P297 .  
COMBINATION FOR 2012 FROM 20-007-00 & 20-007-01 TO 20-007-02

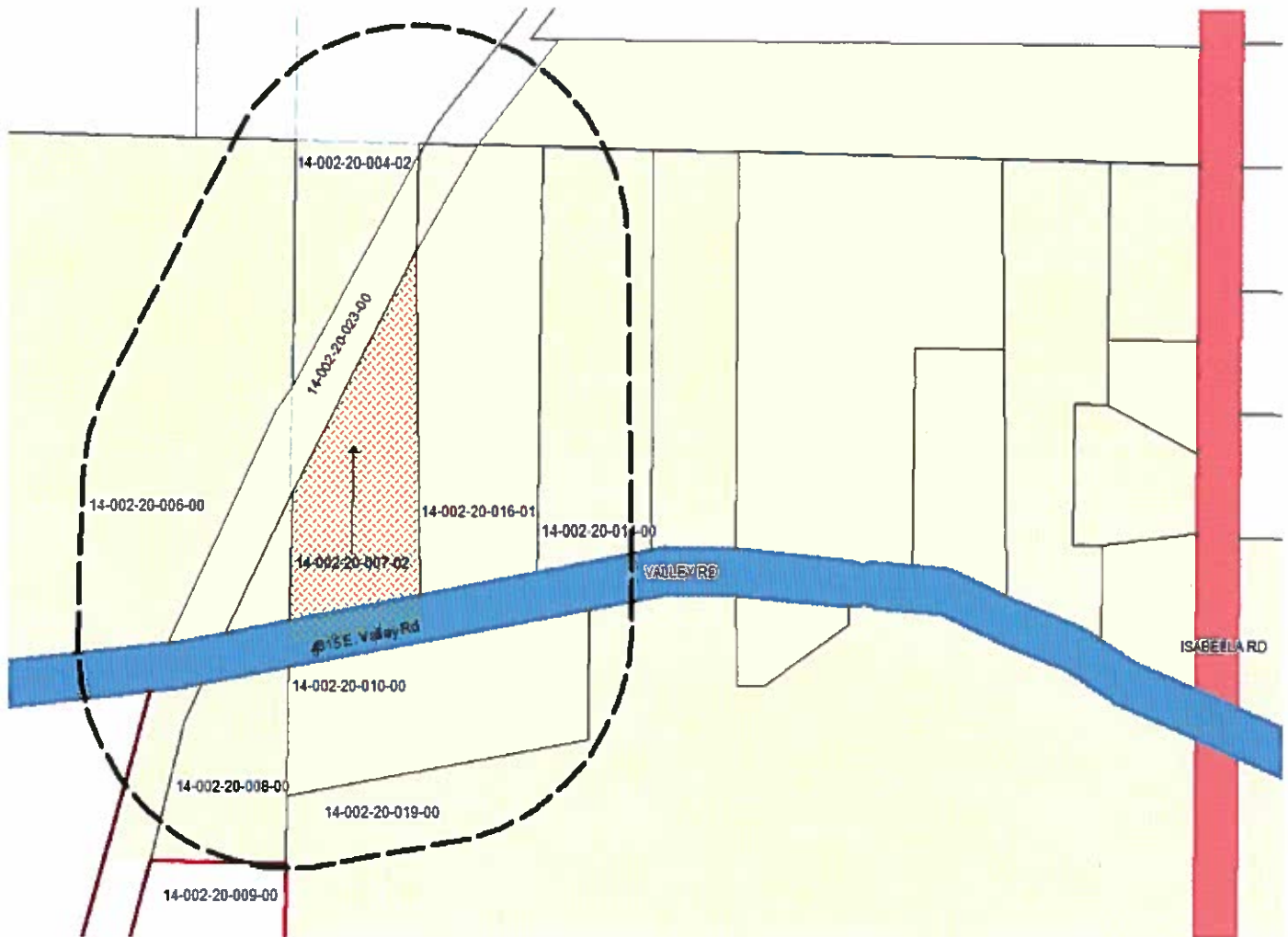
This property is located at 4815 E. Valley Rd.

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 Ext. 241.

Peter Gallinat, Union Twp Planner





The highlighted parcel is the applicant located at 4815 E. Valley Rd. Parcels colored khaki are zoned R-1(Rural Residential District). The white colored parcels represent AG(Agricultural District). The applicant has requested a 4ft variance from Section 8.1.F of the Zoning Ordinance for the height of an accessory building. The dashed line represents property owners within 300ft of the applicant property given notice for the public hearing.

Variance 2017-03

Jeff Stanton  
4815 E. VALLEY RD  
MT PLEASANT, MI 48858

Belinda Stanton  
4798 E. VALLEY RD  
MT PLEASANT, MI 48858

Dennis Roger  
4705 E. VALLEY RD  
MOUNT PLEASANT, MI 48858

Myers Robert L & Joyce J.  
4572 E. VALLEY RD  
MOUNT PLEASANT, MI 48858

Consumers Energy  
One Energy Plaza  
JACKSON, MI 49201

Israel Annette  
4720 E. Baseline RD  
MOUNT PLEASANT, MI 48858

Stalter Joseph S & Tilmann Kathy L  
410 S. ISABELLA RD.  
MOUNT PLEASANT, MI 48858

Dolby Brittney G  
4903 E. Valley Rd.  
Mt Pleasant, MI 48858

Tolas Oil & Gas Exploration  
306 E. Broadway St. Suite #1  
Mt. Pleasant, MI 48858

Bogenrieder Glen A.  
4880 E. Valley Rd.  
Mt. Pleasant, MI 48858

Sundberg Jane E.  
4889 E. Valley Rd.  
Mt Pleasant, MI 48858

Chippeway Brian  
1459 S. Lincoln Rd.  
Mt. Pleasant, MI 48858

Variance  
2017-04

Scherock Leonard J Rev Living Trust  
1465 S. Lincoln Rd.  
Mt Pleasant, MI 48858

McDonald Gary J  
1691 S. Lincoln Rd.  
Mt. Pleasant, MI 48858

Lincoln Court Association  
McDonald Dr.  
Mount Pleasant, MI 48858

Slominis Anthony P & Teri M  
2061 McDonald Dr.  
Mt. Pleasant, MI 48858

Nguyen Truc  
2068 McDonald Dr  
Mt. Pleasant, MI 48858

Hixson Michael D & Mary Slominis  
2079 McDonald Dr.  
Mt Pleasant, MI 48858

Freed Mark M 7 Harrison Brooke  
2081 McDonald Dr.  
Mt. Pleasant, MI 48858

Primeau Ronald & Katherine  
2097 McDonald Dr.  
Mt. Pleasant, MI 48858

Hertzler Philip L & Lapp Jessica W  
2113 McDonald Dr.  
Mt. Pleasant, MI 48858

Kall David W & Tracey  
2129 McDonald Dr.  
Mt. Pleasant, MI 48858

Gauld Gordon & Janice  
2145 Mcdonald Dr.  
Mt. Pleasant, MI 48858

Magnell Marci S.  
2148 Mcdonald Dr.  
Mt. Pleasant, MI 48858

Harris Robin Kaye  
2132 McDonald Dr.  
Mt. Pleasant, MI 48858

Rookard Steven & Julie  
2116 McDonald Dr.  
Mt. Pleasant, MI 48858

Senni Fouad & M Tricia  
2100 McDonald Dr.  
Mt. Pleasant, MI 48858

Hanley Chris W & Linda L  
2084 McDonald Dr.  
Mt. Pleasant, MI 48858

Moore Colleen A Living Trust  
2164 McDonald Dr.  
Mt. Pleasant, MI 48858

I certify that Public Notices for  
VAR 2017-03  
filed 2017-04 were  
mailed on 4-19-17 to all parties named on  
this process. P. A. H. (signature)

## **UNION TOWNSHIP PUBLIC HEARINGS NOTICE -VARIANCE**

NOTICE is hereby given that the following Public Hearings will be held on Thursday, June 16, 2005, 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 requests for a Variance.

From Section 21, Lot Requirements, of the Union Township Zoning Ordinance 1991-5 as amended.

Requested by Jeffery Stanton, a variance of 33 feet from the requirements for accessory building setback to allow for a 17' front yard setback, and 2/10 of an acre lot area in an R-1 (One-family Residential District) zone.

Legal Description of property: T14N R4W, SEC 2; COM 663 FT S OF NW COR OF SE 1/4 OF NE 1/4 (CL VALLEY RD); TH N, 180 FT; TH N 78D 48M E, 193 FT; TH S TO CL VALLEY RD; TH S 78D 48M W, 193 FT, ALG CL VALLEY RD TO POB., Union Township, Isabella County, Michigan.

This property is located at 4185 E VALLEY RD.

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. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 41.

William Woodruff, Zoning Administrator

# Memo

FROM THE DESK OF THE ZONING ADMINISTRATOR

**To:** ZBA

**Date:** 06/10/2005

**Re:** 6/16/05 Meeting

---

I have included the memo from the last meeting just incase you can't find your packet from before. The following relates to 2 new cases that came in time to be included on the 16<sup>th</sup>.

**VAR 1091 Jeffery Stanton.** This is a case of self-created problems. The applicant placed the pole barn incorrectly, and had the structure almost complete before either building inspector came out for a footing inspection. The permit shows clearly that the pole barn is to be no closer than the house to the road. The applicant as a builder should know that setbacks are from the road right of way, not the road center. However, if the applicant convinces you that there was not other place to locate the Pole Barn and the board in your opinion would of granted the variance, then by all means, I suggest that you grant it. If however, there are not valid reasons special to the property, then you must deny. We have seen the Baptist church and other s create their own problems and then look to the ZBA to bail them out. We cannot keep going down the road that trains our people to just do it then ask for forgiveness. The issue of granting a variance for the legal non-conforming lot size for a lot of record however, is typical and should be granted. I only caught this problem now; I missed it at the time the permit was issued. This sort of variance is authorized by ordinance and is suggest to be granted, see 9.9

VAR 1092 CRC sign off premises. The CRC would like to have a sign at the intersection of Isabella and Remus Rds; they do not own property out there. I advised them this was a weak request and I could not endorse it. At 5.9 the ordinance prohibits a Use variance, stating, "The board of appeals cannot ... use its authority to accomplish what would, in effect, be a rezoning. Each and every business that buys property off the main road would want to have off premises signs; this is a floodgate best left closed.

**CHARTER TOWNSHIP OF UNION**  
**Zoning Board of Appeals**  
**Special Meeting**

**Date: June 16, 2005**  
**Time: 7:00 p.m.**  
**Place: Union Township Hall**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Minutes of March 2, 2005 regular meeting**  
**Minutes of March 30, 2005 joint meeting**  
**Minutes of May 11, 2005 special meeting**

**Correspondence**

**Approval of Agenda**

**Public Comment: restricted to three (3) minutes regarding issues not on this agenda**

**UNFINISHED BUSINESS**

- 1.) **VSB 1089 – Michael and Anita Gross, Vacant property south of 2685 S. Isabella Rd. A rear yard set back variance to allow for 24.5 ft. from a residential zone, a variance of 15.5 ft from the required 40 ft.**
- 2.) **VRL 1090 – Larry and Patricia King, Variance of 16 ft. to allow for a lot width of 149 ft. in an AG zone, the requirement being 165 ft.**

**NEW BUSINESS**

- 1.) **VLS 1091 – Jeffrey Stanton 4815 E. Valley Rd., Front yard variance of 33 ft. and lot area variance of 2/10 of an acre in an R-1 zone**
- 2.) **VRS 1092 – Cultural and Recreation Community of Isabella County 5165 E. Remus Rd., Variance from the requirements for signs to be placed on the property from which the business is conducted to allow for a sign on leased property**

**Other Business**

- 1.) **Special Meeting for Chuck McGuirk**

**Extended Public Comment**

**Adjournment**

**CHARTER TOWNSHIP OF UNION**  
**Zoning Board of Appeals**  
**Special Meeting**

A special meeting of the Charter Township of Union Zoning Board of Appeals was held on June 16, 2005 at 7:00 p.m. at the Union Township Hall.

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

**Roll Call**

McGuirk, Partie, Sponseller, Veldhuis and Warner were present.

**Others Present**

Woody Woodruff

**Approval of Minutes**

**March 2, 2005 – regular meeting**

Warner moved McGuirk supported to approve the March 2, 2005 regular meeting minutes as presented. Ayes: all. Motion carried.

**March 30, 2005 – joint meeting**

Veldhuis moved Warner supported to approve the March 30, 2005 joint meeting minutes as presented. Ayes: all. Motion carried.

**May 11, 2005 – special meeting**

McGuirk moved Veldhuis supported to approve the May 11, 2005 special meeting minutes as presented. Ayes: all. Motion carried.

**Correspondence**

No correspondence was submitted.

**Approval of Agenda**

Add under "Other Business" 1.) Special meeting for Chuck McGuirk

Warner moved McGuirk supported to approve the agenda as amended. Ayes: all. Motion carried.

**Public Comment**

No comments were offered.

**UNFINISHED BUSINESS**

- 1.) **VSB 1089 – Michael and Anita Gross, Vacant property south of 2685 S. Isabella Rd. A rear yard setback variance to allow for 24.5 ft. from a residential zone, a variance 15.5 ft. from the required 40 ft.**

**Applicant**

Bill Brown 1084 El Camino Lane, Lake Isabella addressed the Commission and stated that they need the variance to build a strip mall on this property.

**Public Hearing**

Opened at 7:10 p.m.

No Comments were offered.

Closed at 7:11 p.m.

ZBA

McGuirk moved Sponseller supported to approve VSB 1089 – Michael and Anita Gross, Vacant property south of 2685 S. Isabella Rd. A rear yard set back variance to allow for 24.5 ft. from a residential zone, a variance of 15.5 ft. from the required 40 ft. due to an unusually narrow lot. Ayes: all. Motion carried.

2.) VRL 1090 – Larry and Patricia King, Variance of 16 ft. to allow for a lot width of 149 ft. in an AG zone, the requirement being 165 ft.

Applicant

Larry King addressed the Commission and stated that he has two houses on one parcel and needs to split this property to sell one house. This would make property conforming to one residence on one parcel.

ZBA

Veldhuis moved Warner supported to approve VRL 1090 – Larry and Patricia King, Variance of 16 ft. to allow for a lot width of 149 ft. in an AG zone, the requirement being 165 ft. to allow for one home on one lot. Ayes: all. Motion carried.

**NEW BUSINESS**

1.) VLS 1091 – Jeffrey Stanton 4815 E. Valley Rd., Front yard variance of 33 ft. and lot Area variance of 2/10 of an acre in an R-1 zone

Applicant

Jeffrey Stanton addressed the Board and stated that he has already begun construction of a 40 x 40 pole barn. The pole barn was placed incorrectly because he measured setbacks from the center of the road instead of the road right of way and he now needs a variance.

Public Hearing

Opened at 7:20 p.m.

The following residents addressed the Board and stated reasons that they thought the variance should be granted.

Robert Myers 4572 E. Valley Rd.

Val Wolters 4795 E. Broadway

Roger Dennis 4705 E. Valley Rd.

ZBA

Veldhuis moved Warner supported to approve VLS 1091 Jeffrey Stanton 4815 E. Valley Rd. Front Yard Variance of 12 ft. contingent on the building being moved 8 feet to the north due to the location of the existing drain field. Ayes: 3. Nays: 2. Motion carried.

Veldhuis moved Warner supported to amend the motion to include a lot variance of 2/10 of an acre in an R-1 zone. Ayes: all. Motion carried.

2.) VAR 1092 – Cultural and Recreation Community of Isabella County 5165 E. Remus Rd. Variance from the requirements for signs to be placed on the property from which the business is conducted to allow for a sign on leased property

Applicant

Michael Ball representing the CRC addressed the Commission and stated they would like to put a sign on Isabella and Remus Road and needs a variance because it is not on their property.

**Public Hearing**

Opened at 8:15 p.m.

Lynette Bailey 2742 S. Isabella Rd. addressed the Board

Closed at 8:20 p.m.

**ZBA**

Sponseller moved McGuirk supported to deny VAR 1092 – Cultural and Recreation Community of Isabella County 5165 E. Remus Road, Variance from the requirements for signs to be placed on the property from which the business is conducted to allow for a sign on lease property. Ayes: all. Motion carried.

**Other Business**

1.) **Special meeting for Chuck MCGuirk**

Special meeting for Chuck McGuirk will be held June 29, 2005 at 7:00 p.m.

**Extended Public Comment**

No comments were offered.

**Adjournment**

Veldhuis moved Warner supported to adjourn the meeting at 8:30 p.m. Ayes: all. Motion carried.

APPROVED BY:

  
\_\_\_\_\_  
Tim Warner, Secretary

*(Recorded by Kathy Blizzard)*



**NOTICE OF APPEAL**  
**Charter Township of Union**

**ZONING BOARD OF APPEALS**

DATE: 4/ /2017

I (we) Philip L. Hertzler and Jessica 2113 McDonald Drive  
Name W. Lapp Address Mt Pleasant, MI 48858

owners of property at 2113 McDonald Drive

the legal description is: T14N R4W SEC 9 Lincoln Court  
Sub Lot 7

(989) 779-1858 hertzlerpl@yahoo.com

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)

Request variance in order to install wooden shed close to house.

a. Provision of the Zoning Ordinance from which a variance is sought \_\_\_\_\_

DESCRIPTION	REQUIRED	DESIRED (I can only provide X)	VARIANCE (= Required - Desired)
Example - Side Yard	10 feet	8 feet	2 feet
shed set-back	10 feet	3 feet	7 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?

(1) View of pond and woodland from north side of house. (2) Indented corner of house and garage. (3) Limited room to neighbor's property line.

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?

(1) We do not want to block view of pond / woodland.  
 (2) Shed will fit compactly within indented corner of house

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?

We would continue to live an unsightly temporary shed rather than constructing an attractive wooden shed next to the house. We need to store firewood, kayaks, ~~and~~ gardening supplies, and outdoor furniture.

(see attached)

(3) No room for shed to be placed further east to neighbor's

- 
- 
- 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? NO If yes, please explain:

NO, since four other properties currently have sheds within 10 ft. of houses (see attached map).

- 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 March 2003

II. Appeal for Interpretation

Relating to enforcement of the Zoning Ordinance

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

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b. Describe if interpretation of district map

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III. Administrative Review

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

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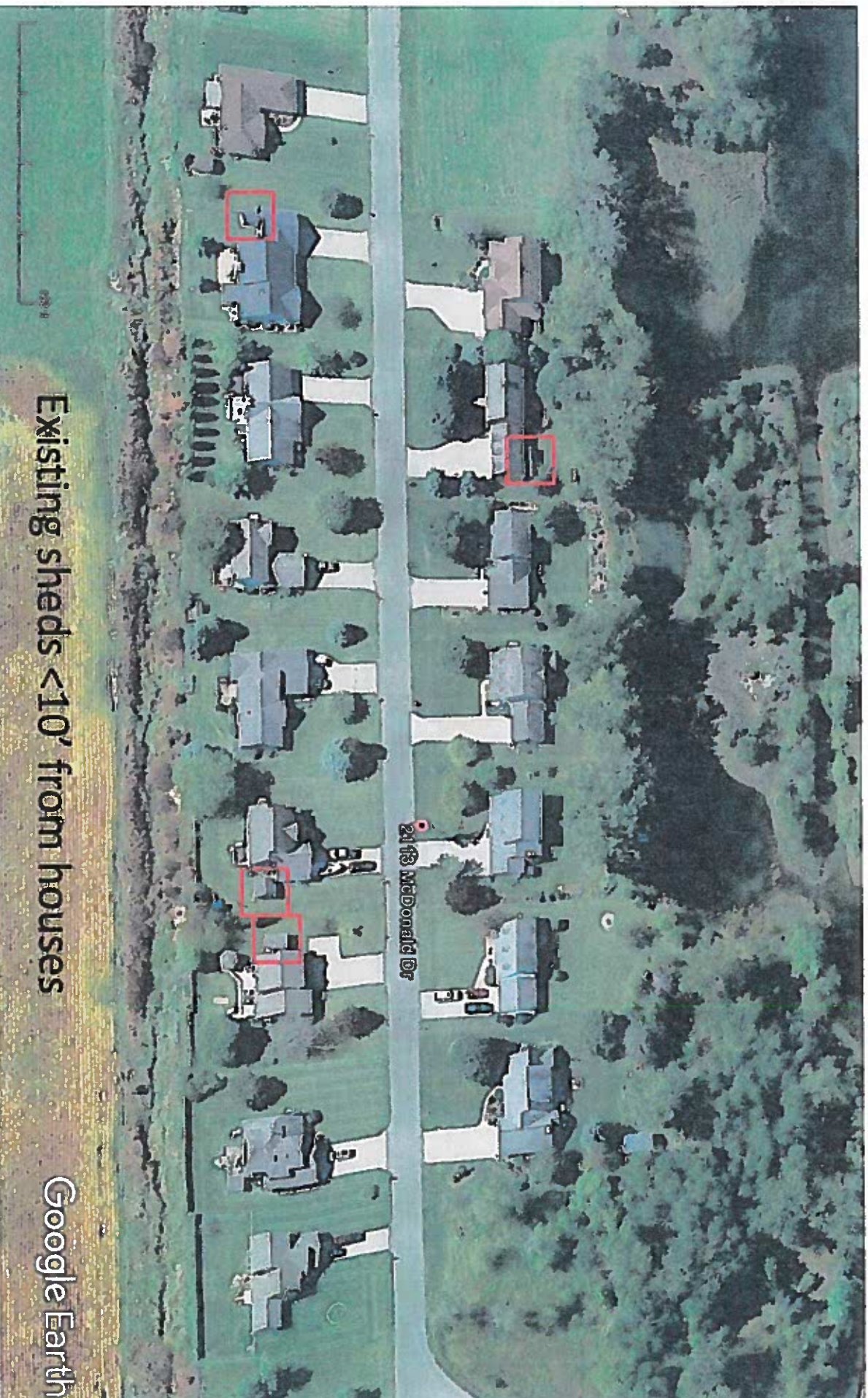
Fees \_\_\_\_\_



Signature of Applicant

\*\*\*\*\*

# McDonald Drive Overview



Existing sheds <10' from houses

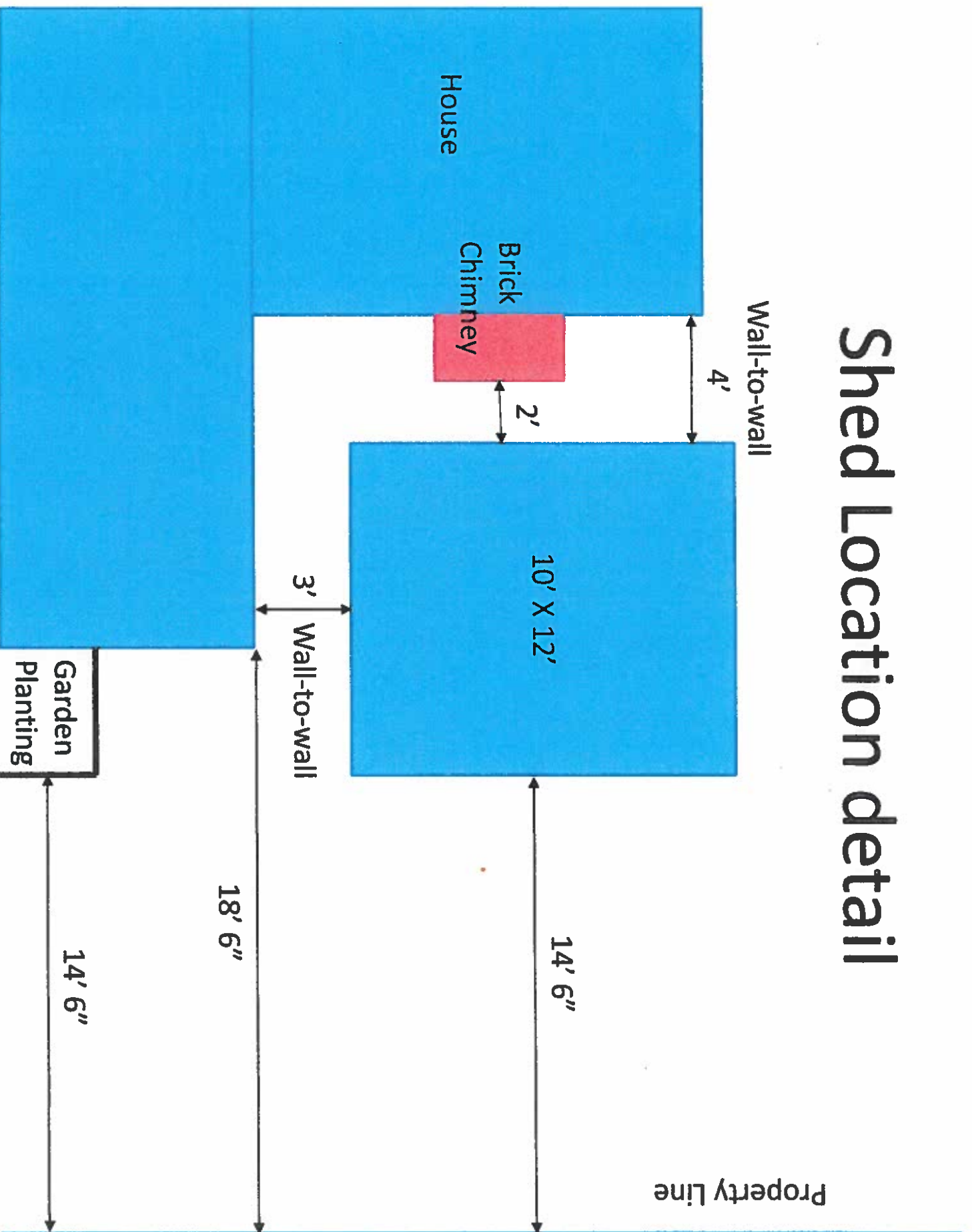
Google Earth



# 2113 McDonald Drive



# Shed Location detail



## **Union Township Public Hearing Notice – Variance**

NOTICE is hereby given that a Public Hearing will be held on Wednesday, May 3, 2017, 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 8.1.C as required by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by: Philip Hertzler and Jessica: a 7ft variance for the location of an accessory structure to a principal structure.

Legal Description of property: T14N R4W SEC 9 LINCOLN COURT SUB LOT 7

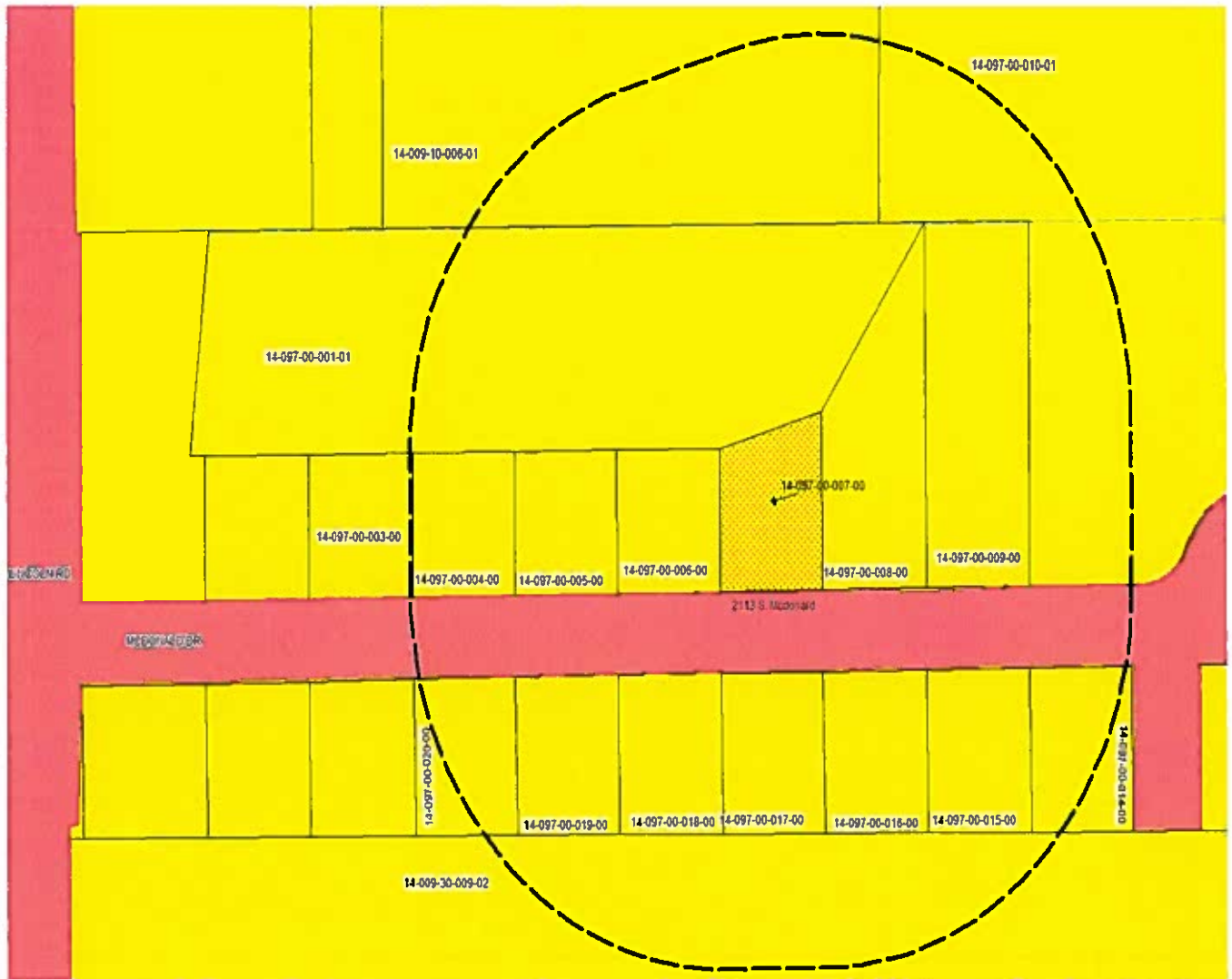
This property is located at 2113 McDonald Dr.

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 Ext. 241.

Peter Gallinat, Union Twp Planner





The highlighted parcel is the applicant located at 2113 McDonald Dr. Parcels are colored yellow and are zoned R-2A(One and Two Family, Low Density Residential District). The applicant has requested a 7ft variance from Section 8.1.C of the Zoning Ordinance for the location of an accessory building to the principal building. The dashed line represents property owners within 300ft of the applicant property given notice for the public hearing.