



ZONING BOARD OF APPEALS
Regular Meeting
June 7, 2017
7:00p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES May 03, 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
9. NEW BUSINESS
10. OTHER BUSINESS
 - A. VAR 2017-04 2113 McDonald Dr. Owner Phil Hertzler and Jessica 7' variance accessory building location.(Action: Approve or deny variance with reason)Tabled from May 3, 2017 meeting
11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
12. FINAL BOARD COMMENT
12. ADJOURNMENT

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TO: Zoning Board of Appeals
FROM: Township Planner

06/2/2017

OTHER BUSINESS

SUBJECT: A) Variance 2017-04 2113 McDonald Dr
(Tabled from May 3, 2017 meeting)

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.

Township Planner's findings since May 3, 2017 meeting.

I found no variance application's since 2003 that were similar to Variance 2017-04. Definitions looked at were "Accessory Building, Building and Structure."

Accessory Building: A non-dwelling structure

Building: Any enclosed structure having a roof supported by columns, walls or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business or other similar use.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or anything attached to something having permanent location on the ground.

Section 8.1 is titled "Accessory Buildings" The definition of which is found above. There is a separate definition for Building as well. Neither gives a clear answer until the definition of structure is found. The key words in the definition of structure are "requires permanent location on the ground".

When considering this information my recommendation is that the applicant be granted Variance

- The variance would not be conferring any special privilege onto the applicant that would otherwise be denied to other lands, structures, or buildings in the same Zoning District.

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 May 3, 2017 at 7:00 p.m. at Union Township Hall.

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

Roll Call

Present: Mike Darin, Jake Hunter, Paul Gross (late-7:03p.m.), Bryan Mielke, and Tim Warner

Others Present

Peter Gallinat, Jennifer Loveberry, and Alternate: Andy Theisen

Correspondence / Board Reports

Mielke – Planning Commission updates.

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

Mielke moved Darin 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.

Jane Wood, 4989 E. Valley Rd. – stated that no size restrictions set in township ordinance to protect rights of adjacent property owners.

Public Hearings

- A. VAR 2017-03, 4815 E. Valley Rd, Owner: Jeff Stanton requesting 4' variance accessory building height**

Township Planner, Gallinat gave a brief description of the requested variance and read the public notice that was published.

Open – 7:11 p.m.

Jane Ward, 4948 E. Valley Rd. - As an adjacent property owner, she would be facing 134 ft of aluminum wall 15' to her property.

Jeff Stanton, 4815 E. Valley Rd. (applicant) – Gave brief description of reason for requesting variance of 4' for the height of an accessory storage building to store 15' fifth wheel.

Robert Myers, 4572 E. Valley Rd. - Stated that Township Ordinance needs to be looked at regarding height rule as an overall height.

Closed-7:19 p.m.

B. VAR 2017-04 Owner: Phil Hertzler and Jessica requesting 7' variance accessory building location.

Location: 2113 McDonald Rd.

Township Planner, Gallinat gave a brief description of the requested variance and read the public notice that was published.

Open – 7:48 p.m.

No public comments were offered.

Phil Hertzler, 2113 McDonald Rd. (applicant) - Stated that he is requesting a 7ft variance for the placement of an accessory structure.

Closed-7:56 p.m.

New Business

A. VAR 2017-03 Owner: Jeff Stanton requesting 4' variance accessory building height

Location: 4815 E. Valley Rd.

Mielke moved Hunter supported to recommend denying VAR 2017-03, 4815 E. Valley Rd., Owner: Jeff Stanton requesting a 4' variance accessory building height. Stating the following reasons from section 5.8C:

- a. 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.
- b. A literal interpretation of this ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District.
- c. The special conditions and circumstances do result from the actions of the applicant

The Zoning Board of Appeals is also adding to recommend that the ordinance be looked at stating an overall size limit. **Vote: Ayes: 5 Nays: 0. Motion carried.**

Gallinat stated that there would be a 21 day appeal period, after the minutes are approved, before the decision is Final.

B. VAR 2017-04, Owner: Phil Hertzler and Jessica requesting 7' variance accessory building location.

Location: 2113 McDonald Rd.

Township Planner, Gallinat gave a brief description of the requested variance and read the public notice that was published.

Hunter moved Mielke supported to table the applicant's request until the June 7, 2017 Zoning Board of Appeals. **Vote: Ayes: 5 Nays: 0. Motion carried.**

Other Business

Mielke – Will address the overall height variance of accessory structures in the R1 District with the Planning Commission.

Hunter – Commented on section 8.1.C., distance requirements connecting structures by use of breezeways.

Extended Public Comment

Open 8:13 p.m.

Jane Ward, 4948 E. Valley Rd- Made comments on size requirements regarding accessory structures and gave brief neighborhood history.

Closed 8:18 p.m.

Final Board Comment

Adjournment

Chair Warner adjourned the meeting at 8:18 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	vacant seat		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	Richard	Barz	2/13/2021
4	Robert	Bacon	1/13/2019
5	Ben	Gunning	11/20/2020
6	Marty	Figg	6/22/2018
7	Sarvjit	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