



**ZONING BOARD OF APPEALS
Regular Meeting
February 6, 2019
7:00p.m.**

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

-January 2, 2018 Regular ZBA Meeting

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

9. NEW BUSINESS

- A. TXT INT 2019-01** Text Interpretation Sections 23 B-5, 23.2A, 22.2C and 8.14, Located at 2261 E. Remus Rd. Mt Pleasant, MI 48858 Owner: Isabella County Road Commission

10. OTHER BUISINESS

11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue

12. FINAL BOARD COMMENT

13. ADJOURNMENT

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Regular Meeting

A special meeting of the Charter Township of Zoning Board of Appeals was held on January 2, 2019 at 7:00 p.m. at Union Township Hall.

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

Roll Call

Present: Bryan Mielke, Andy Theisen, and Tim Warner

Excused: Jake Hunter

Others Present

Peter Gallinat & Jennifer Loveberry

Alternates: John Zerbe and Taylor Sheahan-Stahl

Chair Warner called alternates John Zerbe and Taylor Sheahan-Stahl to the table to have a complete board for the meeting.

Theisen nominated himself to act as Vice-Secretary for the January 2019 and February 2019 Zoning Board of Appeals meetings. Per the by-laws, Officers will be elected for 2019 at the March meeting.

Approval of Minutes

Theisen moved **Gross** supported the approval of the December 5, 2018 minutes as presented.

Vote: Ayes: 5 Nays 0. Motion carried.

Correspondence / Board Reports

Approval of Agenda

Mielke moved **Sheahan-Stahl** 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 – 7:05 p.m.

No comments were offered.

New Business

- Theisen stated prior to the Agenda Item that his business is working on the property in a separate area not related with tonight's variance; however, felt that he should as if a recusal would be necessary. No action needed.

- A. **Variance 2019-01 Variance for one freestanding elevated sign exceeding height (2ft) and quantity allowed (1). Located at 3046 Jen's Way, Mt. Pleasant, MI Owner: McGuirk Mini Storage**

Public Hearing

Public Hearing – open 7:06 p.m.

Terri Sommerville, 810 Liberty Dr., Representing Arboretum Apartments – concerns with additional lighting

Tad Richards, 688 Trillium Circle – concerns with additional lighting

Public Hearing – closed 7:10 p.m.

Tim Bebee CMS&D, on behalf of McGuirk Mini Storage, Inc., stated that the applicant is asking for quantity – 1 additional free-standing sign and an additional 2ft height variance of the said sign.

Discussion was held by the ZBA board.

Sheahan-Stahl moved **Zerbe** supported to deny Variance 2019-01 request for an additional free-standing sign per section 5.8c, stated reasoning that all of section 5.8c 1a-e does not meet any of the criteria that would allow the variance. Also stating that the request for an additional 2ft height variance of said sign would be moot, as sign is denied. **Vote: Ayes: 5 Nays 0. Motion carried.**

Township Planner, Gallinat stated that there would be a 21-day appeal period before the decision is final. Starting after the minutes are approved at the next scheduled meeting in February 2019.

Other Business

Extended Public Comment

Open 7:49 p.m.

No comments were offered.

Final Board Comment

Adjournment

Chair Warner adjourned the meeting at 7:49 p.m.

APPROVED BY:

Jake Hunter –Secretary
Andy Theisen – Vice Secretary

(Recorded by Jennifer Loveberry)



Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squattrito	2/15/2020
3- Vice Chair	Bryan	Mielke	2/15/2021
4-Secretary	Alex	Fuller	2/15/2020
5 - Vice Secretary	Mike	Darin	2/15/2019
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2019
8	Denise	Webster	2/15/2020
9	Doug	LaBelle II	2/15/2019
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	2/18/2021
3-Secretary	Jake	Hunter	12/31/2019
4- Vice Secretary	Andy	Theisen	12/31/2019
5	Taylor	Sheahan-Stahl	12/31/2021
Alt. #1	John	Zerbe	12/31/2019
Alt. #2	vacant seat		2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2020
2	James	Thering	12/31/2020
3	Bryan	Neyer	12/31/2020
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	12/31/2019
2	Richard	Jakubiec	12/31/2019
3	Andy	Theisen	12/31/2019
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2020
2	John	Dinse	12/31/2019
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2019
2	Lynn	Laskowsky	12/31/2021



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	1/13/2023
5	Ben	Gunning	11/20/2020
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2019
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
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
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 BOT Representative	Phil	Mikus	7/26/2019
2 PC Representative	Denise	Webster	8/15/2020
3 Township Resident	Sherrie	Teall	8/15/2019
4 Township Resident	Jeremy	MacDonald	10/17/2020
5 Member at large	Connie	Bills	8/15/2019

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

TO: Zoning Board of Appeals
FROM: Township Planner

Meeting 2/06/2019

NEW BUSINESS

SUBJECT: A) TXT INT 2019-01 Text Interpretation Sections 23 B-5, 23.2.A, 22.2.C, and 8.14, located at 2261 E. Remus Rd. Mt. Pleasant, MI 48858 Owner: Isabella County Road Commission.

Location: 2261 and 2535 E. Remus Rd. Mt Pleasant MI, 48858

Current Zoning: B-5 (Highway Business District)

Adjacent Zoning: B-5

Future Land Use/Intent: Commercial/ Light Industrial This district is intended for a blend of medium intensity commercial and small-scale light industrial uses. Light industrial uses include but are not limited to small-scale manufacturing, laboratories, R&D (research and development) firms, information technology firms, or other businesses that might be found in a technology park. (Please note that FLU is more for rezoning and not to be used to weigh heavily into TXT interpretations.)

Reason for Request: Applicant's desires to rebuild current ICRC operations on existing B-5 zoned property.

History: This past December 2018 the Planning Commission recommended to deny a SUP for the ICRC to build new facilities along Lincoln Rd. This new location would replace the existing location along Remus Rd. The ICRC is still in need of building new facilities as their current existing buildings are out of date. One proposal the ICRC is investigating is re-building on their current site. This is zoned B-5 and does not require a SUP. However, they wish to have the ZBA determine if indeed they would be allowed to exist in a B-5 District as a permitted use.

Objective of board: Review sections 23.2.A, 22.2.C and 8.14. Determine if the ICRC (Isabella County Road Commission) as a permitted Government Office and/or an essential service according to the Charter Township of Union Zoning Ordinance.

Outside of the Zoning Ordinance I would personally argue that the ICRC is an essential service. However, the way "Essential Services" are described section 8.14 I read it as meaning a public utility and that is it. The board could make a recommendation for the Planning Commission to consider expanding the scope of Section 8.14 to possibly include a Road Commission and other Government Services in the future.

Section 22.2.C includes the language “but not limited to” just before listing a plethora of permitted uses. This seems to expand the universe to other uses not listed. It also does not offer specificity with the uses that are listed. The use “government offices” does not specify which government offices would be allowed (S.S. Administration) and which that would not (ICRC) The Zoning Ordinance does not directly define the word office or government. This requires the board to look to Webster’s New World Dictionary, Third College Edition as required in section 3.82 of the Zoning Ordinance.

Government: The agency or apparatus through which a governing individual or body functions and exercises authority.

Office: A place in which business, professional or clerical activities are conducted.

I would interpret that the ICRC facilities would meet these definitions.

Twp Planner

Peter Gallinat



NOTICE OF APPEAL
Charter Township of Union

ZONING BOARD OF APPEALS

DATE: 1/16/19

I (we) Isabella County Road Commission - 2261 E. Remus Road
Name Address

owners of property at 2261 E. Remus Road & 2535 E. Remus Road,

the legal description is: T14N R4W, SEC 16; S 792 FT OF W 429 FT OF SE 1/4 OF SW 1/4

T14N R4W, SEC 16; COMM 591 FT WEST OF S1/4 CORNER, TH W 300 FT, N 792 FT, E 300 FT, S 792 FT TO P.O.B.
T14N R4W, SEC 16; COM N 0D 8M 43S W, 757.6 FROM SW COR SEC 16; TH N 0D 8M 43S W, 83 FT; TH N 89D 51M 34S E, 397.82 FT; TH N 86D 54M 1S E, 649.77 FT; TH N 0D 4M 58S E, 465.57 FT; TH N 89D 4M 35S E, 275.57 FT; TH S 0D 3M 29S E, 920.92 FT; TH S 89D 51M 34S W, 275.14 FT; TH N 0D 4M 58S W, 368.5 FT; TH S 86D 54M 1S W, 648.31 FT; TH S 89D 51M 34S W, 399.19 FT TO POB 7.8 A M/L 2/1/01 DEDICATED ROAD L1011P728 3/13/02 SPLIT 16-30-002-09 NOW 002-10 AND 002-11 12/29/99 SPLIT 14-016-30-002-01CHILD 002-08 AND 002-09 NO RESIDUAL

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 _____

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

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?

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?

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:

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 _____

II. Appeal for Interpretation

Relating to enforcement of the Zoning Ordinance

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

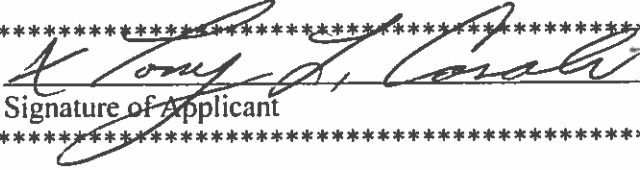
SEE BELOW

- b. Describe if interpretation of district map

SEE BELOW

III. Administrative Review

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

Fees _____ 
Signature of Applicant

The Isabella County Road Commission requests that the Board? Confirm our interpretation of the Zoning Ordinance as applied to the Road Commission's planned replacement of its offices and facilities at its current location.

- a. Article, section, subsection, or paragraph in question
Section 23 B-5, 23.2 Permitted Uses, subsection A. references Section 22 B-4, 22.2 Permitted Uses, subsection C. allows government offices to be built in B-4 & B-5 Districts. The functions of the Isabella County Road Commission are essential services under section 8.14. Construction of offices and facilities are reasonably necessary to fulfill its obligation to adequately maintain county roads as a matter of the health, safety and welfare of the residents of Isabella County such that the construction of offices and facilities at its are excepted from the Zoning Ordinance.
- b. The Isabella County Road Commission's may replace its offices and facilities at its current location at 2261 E. Remus Road, zoned B-5, as is permitted in this use district and that as a governmental agency which provides necessary and essential services relative to maintaining county roads within Isabella County, as it is obligated to do under the County Road Law, the planned replacement of its offices and facilities is excepted from the operation of the Zoning Ordinance under section 8.14 as those facilities are necessary to enable the Road Commission fulfill its statutory duty.

FOR ZONING BOARD OF APPEALS USE ONLY

Appeals received, date: _____

Public Notice published, date: _____

Public Notice mailed, date: _____

Hearing held, date: _____

Decision of Board of Appeals: _____

Reasons: _____

UNION TOWNSHIP OFFICE TO COMPLETE THIS SHEET FOR VARIANCE ONLY

UNION TOWNSHIP PUBLIC HEARING NOTICE -INTERPRETATION

NOTICE is hereby given that a Public Hearing will be held on Wednesday, February 6, 2019, 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 an Interpretation from Sections 23.2.A Permitted Uses 22.2.C Permitted Uses and 8.14 Essential Services (Highway Business District) of the Union Township Zoning Ordinance 1991-5 as amended.

Requested by **Isabella County Road Commission** an interpretation from section 23.2.A, 22.2.C, and 8.14 on the following:

- a. Section 23 B-5, 23.2 Permitted Uses, subsection A. references Section 22 B-4, 22.2 Permitted Uses, subsection C. allows for government offices to be built in B-4 & B-5 Districts. The functions of the Isabella County Road Commission are essential services under section 8.14. Construction of offices and facilities are reasonably necessary to fulfill its obligation to adequately maintain county roads as a matter of health, safety and welfare of the residents of Isabella County such that the construction of offices and facilities at its are excepted from the Zoning Ordinance.
- b. The Isabella County Road Commission's may replace its offices and facilities at its current location at 2261 E. Remus Road, zoned B-5 as it permitted in this use district and that as a governmental agency which provides necessary and essential services relative to maintaining count roads within Isabella County, as it is obligated to do under the County Road Law, the planned replacement of its offices and facilities is excepted from the operation of the Zoning Ordinance under section 8.14 as those facilities are necessary to enable the Road Commission fulfill its statutory duty.

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 241.

Peter Gallinat,
Township Planner

AFFIDAVIT OF PUBLICATION

2125 Butterfield Dr, Suite 102N • Troy MI 48084

CHARTER TOWNSHIP OF UNION
2010 S Lincoln

Mount Pleasant, MI 48858
Attention: PETER GALLINAT

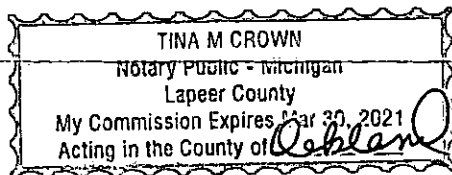
STATE OF MICHIGAN,
COUNTY OF ISABELLA

The undersigned Cyndy Slater Cyndy Slater, 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	01/22/19
morningstarpublishing.com	01/22/19



Sworn to the subscribed before me this 23rd January 2019

Tina M Crown

Notary Public, State of Michigan
Acting in Oakland County

Advertisement Information

Client Id: 531226

Ad Id: 1734640

PO:

Sales Person: 200301

UNION TOWNSHIP PUBLIC HEARING NOTICE -INTERPRETATION

NOTICE is hereby given that a Public Hearing will be held on Wednesday, February 6, 2019, 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 an Interpretation from Sections 23.2.A Permitted Uses, 22.2.C Permitted Uses and 8.14 Essential Services (Highway Business District) of the Union Township Zoning Ordinance 1991-5 as amended.

Requested by Isabella County Road Commission an interpretation from section 23.2.A, 22.2.C, and 8.14 on the following:

- Section 23 B-5, 23.2 Permitted Uses, subsection A. references Section 22 B-4, 22.2 Permitted Uses, subsection C. allows for government offices to be built in B-4 & B-5 Districts. The functions of the Isabella County Road Commission are essential services under section 8.14. Construction of offices and facilities are reasonably necessary to fulfill its obligation to adequately maintain county roads as a matter of health, safety and welfare of the residents of Isabella County such that the construction of offices and facilities at its are excepted from the Zoning Ordinance.
- The Isabella County Road Commission's may replace its offices and facilities at its current location at 2261 E. Remus Road, zoned B-5 as it permitted in this use district and that as a governmental agency which provides necessary and essential services relative to maintaining county roads within Isabella County, as it is obligated to do under the County Road Law, the planned replacement of its offices and facilities is excepted from the operation of the Zoning Ordinance under section 8.14 as those facilities are necessary to enable the Road Commission fulfill its statutory duty.

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 241.

Peter Gallinat,
Township Planner

Published: January 22, 2019