

**CHARTER TOWNSHIP OF UNION**  
**Zoning Board of Appeals**  
**Regular – Electronic Meeting**

A regular-electronic meeting of the Charter Township of Zoning Board of Appeals was held on September 1, 2021, at 7:00 p.m. as a virtual meeting through the Zoom meeting platform.

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

**Roll Call**

Present:

Buckley (location: Union Township, Isabella County)

Theisen (location: Union Township, Isabella County)

Lannen (location: Union Township, Isabella County)

Presnell (location Union Township, Isabella County)

Labelle (location: Union Township, Isabella County)

Due to vacant seat, Alternate Board Member Labelle was included as participating member.

**Others Present**

Rodney Nanney, Community and Economic Development Department Director; Peter Gallinat, Zoning Administrator; and Amy Peak, Building Services Clerk

**Approval of Agenda**

Lannen moved Presnell supported to approve the agenda as presented. **Vote: Ayes: 5 Nays 0.**  
**Motion carried.**

**Correspondence / Board Reports**

Buckley gave brief update on Planning Commission's review of a set of proposed amendments to the zoning ordinance with some language clean up and special use permits to become responsibility at Planning Commission level rather than Trustee level. A public hearing is scheduled for September 21, 2021.

**Approval of Minutes**

Presnell moved Buckley supported the approval of the March 3, 2021, minutes as presented.  
**Vote: Ayes: 5 Nays 0. Motion carried.**

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

Open – 7:07 p.m.

No comments were offered.

Closed – 7:08 p.m.

## **New Business**

### **A. PVAR21-01 – Application for a 228 Square foot floor area variance and a one (1) foot maximum height variance from Section 7.5.C.3 requirements for a detached accessory building at 5633 S Grant Road, a two (2) acre AG (Agricultural District) parcel in the SE ¼ of Section 35.**

- 1. Introduction by staff**
- 2. Public hearing**
- 3. Updates from staff and applicant**
- 4. Board of Appeals deliberation and action (approval, denial, approval with conditions, or postpone action)**

Community and Economic Development Director – Rodney Nanney introduced PVAR21-01

No written correspondence was received.

Public Hearing Opened: 7:11 pm. No public comments were offered.

Updates given by staff and applicant.

Nanney commented on the criteria for consideration of variances, and additional information in the staff report. Michael and Anna Monfils commented on the variance request and commented on their good faith effort to do things correctly with this project.

Public Hearing Closed: 7:55. At the Chair's request, Mr. Nanney read each of the four variance criteria, followed by Board discussion and deliberation.

Motion by Buckley, supported by Presnell, to deny the PVAR21-01 application from Michael and Anna Monfils for a variance of 228 square feet and one (1) foot variance of height from Section 7.5.C.3 of the Zoning Ordinance for an accessory building on an Agricultural (AG) zoning district parcel up to 2.49 acres at 5633 S. Grant Road in the southeast quarter of Section 35 (PID 14-035-40-004-14), after review of the variance criteria in Section 14.4.B.4. of the Zoning Ordinance and finding that:

1. Granting variance would only give justice to the applicant and not to the owners of other AG District parcels in the area.
2. The applicant has not indicated any reason related to the land that would prevent the construction or use of an accessory building that fully conforms to the standards of this Section.
3. The applicant contacted the Township about zoning standards in 2019 but waited to submit a building permit application until 2021.
4. The problem and resulting need for a variance are directly the result of the applicant's actions and choices and are not connected to any physical condition or limitation associated with the land.

Vote: Ayes: 4 Nays: 1. Motion carried.

### **B. PZA21-01 – Administrative appeal – application to appeal the determination made by Zoning Administrator Peter Gallinat from Sections 12.2 (General Requirements) and 12.4 (Modifications to Nonconforming Uses or Structures) related to modifications to an existing legal nonconforming second dwelling on a lot at 3813**

**S Lincoln Road, an approximately 2.23 – acre R1 (Rural Residential District) parcel in the SW ¼ of Section 21.**

- 1. Introduction by Staff**
- 2. Public Hearing**
- 3. Updates from staff and the applicant**
- 4. Board of Appeals deliberation and action**

Community and Economic Development Director – Rodney Nanney introduced PZA21-01  
Public Hearing Opened: 8:07 pm. No public comments were offered.

Nanney commented on legal nonconforming status and gave brief history and criteria to look at for an administrative appeal. Applicant commented that the Zoning determination that was given is not a decision of Zoning Administrator to make as this became nonconforming when the Zoning Ordinance came into effect and referred to Section 12.2 E. Applicant also commented this is a separate single-family residence and referred to 12.2.J.

No written correspondence was received.

Public Hearing Closed: 8:39 pm. At the Chair's request, Mr. Nanney read each of the four criteria for evaluation of an administrative appeal, followed by Board discussion and deliberation.

Motion by Buckley, supported by Presnell, to uphold in full the Zoning Administrator's July 27, 2021, determination that is the subject of this PZA 21-01 administrative appeal request from Joshua and Rachel Nelson for the second dwelling at 3813 S. Lincoln Road (PID 14-021-30-010-00), finding that Mr. Gallinat's action did not constitute an abuse of discretion, was not arbitrary or capricious, was not based upon an erroneous finding of a material fact, and was not based upon an erroneous interpretation of the Zoning Ordinance.

No additional discussion.

Vote: Ayes: 5 Nays: 0. Motion carried.

**Other Business - None**

**Extended Public Comment: Restricted to 5 minutes regarding any issue**

Open: 8:40 pm

No comments were offered.

Closed: 8:40 pm

**Final Board Comment**

Buckley – Commented on applicants' perspective on awareness.

**Director Comments**

Mr. Nanney thanked the ZBA members for their thoughtful discussion and thorough consideration of these challenging cases.

**Adjournment**

Chair Theisen adjourned the meeting at 8:44 pm

**APPROVED BY:**

---

**Judy Lannen –Secretary  
– Vice Secretary**

*(Recorded by Amy Peak)*