

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 December 1, 2021 as an electronic meeting through the Zoom meeting platform.

Meeting was called to order at 7:02 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)

Excused: Alternate member Brandon LaBelle would have been elevated to serve as a regular member for this meeting, to fill the vacancy on the Board of Appeals, but he gave notice beforehand that he would not be able to attend this meeting.

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 Buckley supported to approve the agenda as presented. Vote: Ayes: 4, Nays 0. Motion carried.

Correspondence / Board Reports

Buckley gave brief update on Planning Commission's review of site plan for the County Jail. This was approved with conditions. Some of the conditions have been met and waiting on approvals from some remaining outside agencies. Planning Commission also reviewed some of the amended language to our zoning ordinance and submitted to the Board for their review. As well as some conversation on updated language for both private road ordinances and sidewalk committee and policy.

Approval of Minutes

Presnell moved Lannen supported the approval of the September 1, 2021, minutes as presented. Vote: Ayes: 4, Nays 0. Motion carried.

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

Open – 7:09 p.m.

No comments were offered.

Closed – 7:09 p.m.

New Business

A. PVAR21-03 – Applicant request an eight (8) foot setback variance from Section 7.5.C.2.d requirements for a detached accessory building at 2257 E. Broomfield Road, a one (1) acre B4 (General Business District) Parcel in the SW ¼ of Section 21.

- 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)**

Mr. Nanney introduced PVAR21-03

No written correspondence was received.

Public hearing opened by the Chair at 7:13 pm. No public comments offered.

Updates given by staff and applicant.

Deliberation held, which included discussion of and questions to the applicant and staff about:

- Discussion of possible relocation of proposed structure within the property and associated topographic and access issues with alternative locations.
- Questions about digitizing files and off-site storage as potential alternatives to the additional on-site storage building. The applicant clarified that the new cold storage building is intended to be used for storage of business equipment, and that the files would remain stored in one of the principal building's existing storage bays.
- The Chair commented that the proposed cold storage building is not a permanent structure and questioned whether the Zoning Ordinance setback requirements apply. The applicant clarified that he has worked with the Building Official and Zoning Administrator to verify the code and ordinance requirements that apply to the project.
- Discussion of whether or not the problem and resulting need for the variance was self-created by the applicant or the applicant's predecessors.
- The Chair acknowledged the significant improvements to the site as depicted on the minor site plan.
- Discussion of whether or not an approval of the requested variance would increase the level of nonconformity for structures on the site, and whether a potential condition to remove the small nonconforming shed structure in the front yard would be appropriate as part of a variance approval action.
- Discussion of and questions about doing substantial justice to the applicant and neighbors.

Motion by Buckley, supported by Lannen, to deny the PVAR 21-03 application from Timothy and Lori Bebee for an eight (8) foot setback variance from the minimum ten (10) feet required from other buildings by Section 7.5.C.2.d. of the Zoning Ordinance, to allow for construction of a new detached accessory building on the one (1) acre parcel number 14-021-30-013-01 at 2257 E. Broomfield Road in the B-4 (General Business District) and in the southwest quarter of Section

21, after review of the variance criteria in Section 14.4.B.4. of the Zoning Ordinance and finding that:

1. The expired building permit PB1800103 is not germane to this case because it was for a residential accessory structure and was issued prior to the land division that created this parcel under the former Zoning Ordinance No. 1991-5 that is no longer in effect.
2. To be able to make use of an existing concrete pad would be a convenience for the applicant, but this existing condition does not constitute a practical difficulty to construction elsewhere on the lot and does not justify the requested variance.
3. There are currently two (2) buildings on the parcel that do not fully meet setback requirements in a B-4 district. If the variance is granted this would add a third building that does not fully meet setback requirements in the zoning district. The existence of legal nonconforming structures on the parcel is not a valid reason to grant the requested variance.
4. Granting the variance would only give justice to the applicant and not to the owners of other parcels in the area or the B-4 District.
5. Although the applicant has a preferred location and there are some topographic challenges to development on the northern portion of the parcel, there are reasonable alternative locations on the parcel and adjacent to the existing developed area where the proposed accessory building can be constructed in a manner that fully conforms to the standards of Section 7.5 (Accessory Uses, Buildings, and Structures).
6. The problem and resulting need for a variance are directly the result of the applicant's actions and choices.

Roll Call Vote: Ayes: Buckley, Lannen. Nays: Theisen, Presnell. Motion Failed.

Motion by Buckley, supported by Lannen, to postpone action on the PVAR 21-03 application from Timothy and Lori Bebee for a variance at 2257 E. Broomfield Road (PID 14-021-30-013-01) to the next available regular meeting at which there can be 5 members present.

Ayes: 4, Nays: 0. Motion Carried.

Close of Public Hearing at 8:02 pm.

B. Approval of Annual Report to go before Planning Commission

Motion by Buckley, supported by Lannen, to approve the Annual Report to go before the Planning Commission, with the change to note the postponement action taken at this meeting.

Vote: Ayes: 4 Nays: 0. Motion carried.

C. Adoption of the 2022 Zoning Board of Appeals meeting Calendar

Motion by Lannen, supported by Presnell, to approve the adoption of the 2022 Zoning Board of Appeals meeting Calendar. **Vote: Ayes: 4 Nays: 0. Motion carried.**

Other Business - None

Extended Public Comment: Restricted to 5 minutes regarding any issue

Open: 8:07 pm

Tim Bebee invited the Board to the location of the proposed variance to look at the property.

Closed: 8:08 pm

Final Board Comment

- Theisen commented he appreciated the good discussion and expressed the importance of everyone's input during deliberations.
- Buckley appreciates the willingness and flexibility of the board to postpone action this evening so as to give applicant fair consideration.

Director Comments

- Mr. Nanney noted that the Township's authority under the Open Meetings Act to hold electronic meetings is coming to an end this month, so our next meeting is likely to be in person in the Township Hall Board Room. The Township will make masks available to any board member or attendee who would like one, and will do what is possible within the Board Room to provide for social distancing. He asked the board members to reach out to him individually if they have any concerns or questions about returning to in-person meetings.

Adjournment

Chair Theisen adjourned the meeting at 8:11 pm

APPROVED BY:

**Judy Lannen –Secretary
– Vice Secretary**

(Recorded by Amy Peak)