

**Notice of an Electronically Conducted
Regular Meeting of the Charter Township of Union
Zoning Board of Appeals**

Notice is hereby given that the Charter Township of Union Zoning Board of Appeals will conduct a regular meeting electronically on Wednesday, December 1, 2021 at 7:00 p.m., consistent with the emergency declarations and direction from state and county health officials to slow the spread of the COVID-19 virus and the Open Meetings Act (Public Act 267 of 1976, as amended).

There will be no in-person public attendance in the Township Hall Board Room (2010 S. Lincoln Rd., Mt. Pleasant, MI 48858), although some Board members and Township staff may choose to participate from this location.

All interested persons may attend and participate. The public may participate in the meeting by computer and smart phone using the following link to the electronic meeting location: <https://us02web.zoom.us/j/81255094689?pwd=Vjc5OEtBcVMxSkp4bVhRb1VSY1JhQT09> (Meeting ID: “812 5509 4689” Passcode: 961408) The moderator will open public access to the electronic meeting space at 6:55 p.m.

To participate via telephone conference call, please call (312) 626-6799. Enter “812 5509 4689” and the “#” sign at the “Meeting ID” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

The meeting agenda, packet of materials relating to the meeting, and instructions for connecting to the meeting electronically are available on the Township’s website under “Minutes and Board Packets” at <http://www.uniontownshipmi.com/>.

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please use the “Raise Your Hand” button at the bottom center of the screen. To raise your hand for telephone dial-in participants, press “star” and then the number “nine” (*9). The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

If there are a large number of participants, the Chair may choose to call on individuals by name or telephone number. Please speak clearly and provide your name and address before making your comments. Please note that the meeting moderator will control the muting and unmuting of participants during public comment.

Written comments to the Zoning Board of Appeals may also be delivered to the drop box at the Township Hall. Comments received prior to 3:00 p.m. on the day of the meeting will be read aloud to the Zoning Board of Appeals.

Persons with disabilities needing assistance to participate should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance may contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

**Instructions to Participate in an Electronically Conducted
Regular Meeting of the Charter Township of Union
Zoning Board of Appeals**

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Raise Your Hand for Citizen Participation During the Public Comment Periods

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please **click on the “Raise Your Hand” icon** near the bottom of your screen.



Click “Lower Hand” to lower it if needed. The host will be notified that you have raised your hand. The Mute/Unmute function will be controlled by the meeting moderator.

To raise your hand for telephone dial-in participants, press “star” and then the number “nine” (*9).

The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

Do I need to download the Zoom app to access the meeting? No. Use of the Zoom app is recommended, but you will have options to “download & run Zoom” or “join from your browser” when you click on the link to join the meeting.

Can I Use Bluetooth Headset? Yes, if the Bluetooth device is compatible with the computer or mobile device that you are using.

Do I have to have a webcam to join on Zoom? While you are not required to have a webcam to join a Zoom Meeting, you will not be able to transmit video of yourself. You will continue to be able to listen and speak during public comment and view the webcam video of other participants.

Leaving the Meeting: Click the “Leave Meeting” link at the bottom right corner of the screen at any time to leave the meeting.



ZONING BOARD OF APPEALS

Regular Electronic Meeting. Instructions for access will be posted and available on website
(uniontownshipmi.com) home page

December 1, 2021

7:00p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CORRESPONDENCE / BOARD REPORTS
 - Boards and Commissions Expiration Dates
6. APPROVAL OF MINUTES
 - September 1, 2021 Regular ZBA Meeting
7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
8. NEW BUSINESS
 - A. **PVAR21-02** – 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 B-4 (General Business District) parcel in the SW ¼ of Section 21.
 - a. Introduction by staff
 - b. Public hearing
 - c. Updates from staff and the applicant
 - d. Board of Appeals deliberation and action (approval, denial, approval with conditions, or postpone action)
 - B. **Approval of Annual Report to go before Planning Commission**
 - C. **Adoption of the 2022 Zoning Board of Appeals meeting calendar**
9. OTHER BUSINESS
10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
11. FINAL BOARD COMMENT
12. DIRECTOR COMMENTS
12. ADJOURNMENT

Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	James	Thering	11/20/2024
2-Chair	Phil	Squatrito	2/15/2023
3-Vice Chair	Ryan	Buckley	2/15/2022
4-Secretary	Doug	LaBelle II	2/15/2022
5 - Vice Secretary	Stan	Shingles	2/15/2024
6	Tera	Albrecht	2/15/2024
7	Mike	Darin	2/15/2022
8	Alex	Fuller	2/15/2023
9	Jessica	Lapp	2/15/2023
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/15/2022
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	Judy	Lannen	12/31/2022
5 -	vacant seat		12/31/2022
Alt. #1	Brandon	LaBelle	12/31/2022
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	12/31/2022
2	Sarvjit	Chowdhary	12/31/2022
3	Bryan	Neyer	12/31/2022
Alt #1	Randy	Golden	12/31/2022
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2021
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2021
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2022
2	John	Dinse	12/31/2021
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2021



Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Bryan	Mielke	11/2024
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Jeff	Sweet	2/13/2025
10	vacant seat		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	12/31/2022
2	vacant seat		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term -PC Appointments)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2024
2 - PC Representative	Mike	Darin	8/15/2022
3 - Township Resident	Jeff	Siler	8/15/2024
4 - Township Resident	Jeremy	MacDonald	10/17/2022
5 - Member at large	Phil	Hertzler	8/15/2024
Mid Michigan Aquatic Recreational Authority (2 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1 - City of Mt. Pleasant	John	Zang	12/31/2023
2 - City of Mt. Pleasant	Judith	Wagley	12/31/2022
1 -Union Township	Stan	Shingles	12/31/2023
2 - Union Township	Allison	Chiodini	12/31/2022
1- Mt. Pleasant Schools	Lisa	Diaz	12/31/2021

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)

DRAFT

Charter Township of Union

APPLICATION FOR ZONING BOARD OF APPEALS REVIEW

Variance Administrative Appeal Interpretation Sign Variance Other: _____

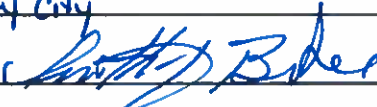
A complete application will contain all the information required per the Zoning Ordinance, Section 14.4 (Variances and Appeals).

Name of Proposed Development/Project <u>CMS&D</u>		
Common Description of Property & Address (if issued) <u>2257 E. Broomfield Road</u>		
Applicant's Name(s) <u>TIM & LORI BEBEE / CMS&D</u>		
Phone/Fax numbers <u>989-506-1001</u>	Email <u>tbebee@cms-d.com</u>	
Address <u>909 N. Dewitt St.</u>	City: <u>Bay City</u>	Zip: <u>48706</u>

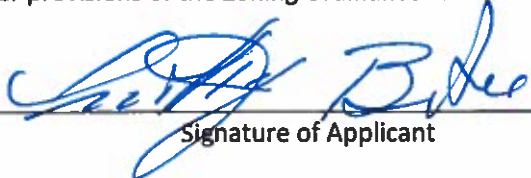
Legal Description: Attached Included on Plan/Survey Tax Parcel ID Number(s): 14-021-30-013-01

Existing Zoning: B4 Land Acreage: 1.00 Existing Use(s): OFFICE

ATTACHED: Letter summarizing the request and responding to the applicable review criteria found in Section 14.5.B.

Firm(s) or Individuals(s) who prepared the plan or survey drawing.	1. Name: <u>CMS&D</u> Phone: <u>775-0756</u> Email: <u>info@cms-d.com</u> 2. Address: <u>2257 E. Broomfield Road</u> City: <u>Mt. Pleasant</u> State: <u>MI</u> Zip: <u>48858</u> Contact Person: <u>TIM BEBEE</u> Phone: <u>775-0756</u>
	1. Name: <u>TIM & LORI BEBEE</u> Phone: <u>989-506-1001</u> Address: <u>909 N. Dewitt St.</u> City: <u>Bay City</u> State: <u>MI</u> Zip: <u>48706</u> Signature:  Interest in Property: <u>owner/lessee/other</u> 2. Name: _____ Phone: _____ Address: _____ City: _____ State: <u>MI</u> Zip: _____ Signature: _____ Interest in Property: <u>owner/lessee/other</u>

I do hereby affirm that all the statements, signatures, descriptions, exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all the owners of the property. False or inaccurate information may be cause for rejection of the application or revocation of any action by the Board of Appeals. Approval of a variance shall not constitute the right to violate any other provisions of the Zoning Ordinance or other applicable codes and ordinances.



 Signature of Applicant

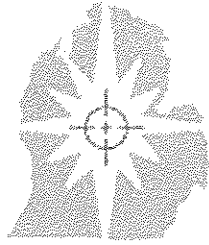
11-3-21

 Date

Office Use Only

Application Received By: _____ Fee Paid: \$ _____

Date Received: _____ Escrow Deposit Paid: \$ _____



CMS & D

SURVEYING/ENGINEERING

2257 EAST BROOMFIELD ROAD, MT. PLEASANT, MI 48858

PHONE:989-775-0756 EMAIL: info@cms-d.com

November 7, 2021

Attn: Zoning Board of Appeals Members
Charter Township of Union
2010 South Lincoln Road
Mt. Pleasant, Michigan 49201

Re: Request for Dimensional Variance at 2257 East Broomfield Road.

Members:

This request is for a dimensional variance as it relates to an accessory structure to the principal structure. Please refer to Section 7.5,C,2,d of the Ordinance. "Distance from other Buildings. Detached accessory buildings shall be located at least ten (10) feet from any building on the site.

This parcel has several unique features that make expansion very difficult. The parcel is 115 feet in width and 380 feet in depth. The side yards for a typical B-4 parcel would be 20 feet on each side. This parcel, because it is adjacent to a "Residential" parcel on the West side has its setback increase to 40 feet. The so-called residential parcel is the active construction yard for Pat McGuirk Excavating. Although zoned residential this parcel has been used as a quasi-industrial parcel for decades.

The existing principal structure was built prior to the current setback being enforce and prior to much of any zoning requirements. The building is approximately 5 feet off from the West property line. This puts the entire structure within the side yard setback and makes it an existing non-conforming structure. This means that expansion of the principal structure would be an expansion of the non-conformity. Thus, I am limited to adding a detached structure for additional cold storage. A detached structure must be 5 feet off from the side lot line. This I can conform to. It is the distance between the principal structure and the proposed accessory structure that I cannot meet. Although the parcel is 380 feet in depth, it has two levels that are about 7 feet in elevation different from each other. The first level or Southern level is fairly even with the road and the Northerly or second level is 7-8 feet lower. The principal structure's north edge is approximately 21-22 feet from the down slope. This would allow for a shed to be placed prior to the drop off, but not allow for the required separation.

The prior owner of the parcel had pulled a building permit to install a shed in this location. The building permit was issued, and a concrete pad was installed. There is currently an 18' by 30' concrete pad that is 1 foot North of the principal structure. I purchased the parcel before the shed was installed. I came to the Township to obtain a new building permit, as the old one had lapsed, and was told that a variance would now be required.

Union Charter Township
Zoning Board of Appeals Members
November 7, 2021
Page 2 of 2

I'm in need of more space. With the limitations on expansion of the principal structure, I can only obtain this storage space by adding an accessory structure. There is limited space on the main level of the parcel to install the structure. Having supplies located in a structure nearly 100 feet away from my office and 7-8 feet lower is not practical.

I have already been in contact with the Township Building Inspector. He has stated that as far as the building code and related fire codes are concerned the proposed 2-foot separation would be allowed. This means that the 10-foot separation is only required by the Zoning Ordinance. I asked the Zoning Administrator what the purpose of this separation was. He was not aware of any specific requirement but stated that to his knowledge it had always been in the Ordinance. If the separation is not needed for building code or fire code, I am in hope that you will grant my variance request for the separation to be reduced from 10 feet to 2 feet (wall to wall) and allow me to utilize the concrete pad that is already in existence.

Thank you for your consideration and I would encourage any of the members to stop out and look at the topography of the parcel and the restraints that it places.

Respectfully submitted,

CENTRAL MICHIGAN SURVEYING & DEVELOPMENT COMPANY, INC.



Timothy Bebee
President

CENTRAL MICHIGAN SURVEYING & DEVELOPMENT CO., INC.

PROPOSED IMPROVEMENT PLAN

2257 E. BROOMFIELD ROAD, MT. PLEASANT, MICHIGAN

CMS & D
SURVEYING / ENGINEERING
2057 E. BROOMFIELD ROAD
MT. PLEASANT, MICHIGAN 48858
PHONE: (989) 775-0756
FAX: (989) 775-5012
EMAIL: info@cms-d.com



COVER SHEET
CMS&D CO., INC.
PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4,
SECTION 21, T14N-R04W,
UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN



LOCATION MAP
NOT TO SCALE

B4 - GENERAL BUSINESS ZONE	
MINIMUM FRONT YARD SETBACK	50 FT. (I)
MINIMUM SIDE YARD SETBACK	20 FT. (J)
MINIMUM REAR YARD SETBACK	25 FT. (J)
MINIMUM LOT FRONTAGE	80 FT
MINIMUM LOT AREA (SQ FT)	12,000 SQ FT
MAXIMUM BUILDING HEIGHT	35 FT
MAXIMUM LOT COVERAGE (%)	30%

- I. OFF-STREET PARKING SHALL BE PERMITTED TO OCCUPY A PORTION OF THE REQUIRED FRONT YARD, PROVIDED THAT THERE SHALL BE MAINTAINED A MINIMUM LANDSCAPE SETBACK OF TEN (10) FEET BETWEEN THE NEAREST POINT OF THE OFF-STREET PARKING AND THE NEAREST ROAD RIGHT-OF-LINE AS INDICATED ON THE MASTER THOROUGHFARE PLAN.
- J. A FORTY (40) FOOT SIDE AND REAR YARD SETBACK SHALL BE PROVIDED WHEN ABUTTING A RESIDENTIAL DISTRICT.

MISS DIG:
FOR PROTECTION OF UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL "MISS DIG" 1-800-482-7171 A MINIMUM OF 3 WORKING DAYS PRIOR TO ANY EXCAVATION. ALL "MISS DIG" PARTICIPATING MEMBERS WILL BE APPROPRIATELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.

UTILITY NOTE:
THE UTILITY LOCATIONS AS HEREON SHOWN ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY COMPANY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE LOCATION AND DEPTH OF UNDERGROUND UTILITIES WITHOUT EXCAVATION. THEREFORE, WE CANNOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE BURIED UTILITY INFORMATION HEREON SHOWN. THE CONTRACTOR SHALL CALL "MISS DIG" (1-800-482-7171) PRIOR TO ANY EXCAVATION. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THESE UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND SHALL MAKE EVERY EFFORT TO PROTECT AND OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/SURVEYOR AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND. UNDERGROUND SERVICE LEADS FOR GAS, ELECTRIC, TELEPHONE AND CABLE MAY BE ACROSS PROPERTY, NO INFORMATION AVAILABLE PLEASE CALL MISS DIG.

LEGEND	
SYMBOLS	
○ BOLLARD	⊕ GAS RISER
▣ CATCH BASIN (CURB INLET)	⊗ GUY ANCHOR
⊙ CATCH BASIN (ROUND)	⊕ HYDRANT - EXISTING
□ CATCH BASIN (SQUARE)	⊕ HYDRANT - PROPOSED
⊙ CLEAN OUT	⊕ LIGHT POLE
⇒ DRAINAGE FLOW	⊕ MAILBOX
⊕ ELECTRICAL BOX	⊕ MONITORING WELL
⊕ FOUND CONC. MONUMENT	⊕ SANITARY SEWER MANHOLE
○ FOUND IRON	⊕ SET IRON
⊕ GAS MAIN VALVE	⊕ SIGN
⊕ SOIL BORING	⊕ STORM SEWER MANHOLE
⊕ TELEPHONE RISER	⊕ TREE - CONIFEROUS
⊕ TREE - DECIDUOUS	⊕ UTILITY POLE
⊕ WATER MAIN VALVE	⊕ WATER SHUT-OFF
⊕ WATER WELL	⊕ WATER WELL
⊕ WOOD STAKE	

LINETYPES	
—ELEC—	BURIED ELECTRICAL CABLE
—PHONE—	BURIED TELEPHONE CABLE
—DITCH-CL—	CENTERLINE OF DITCH
—FM—	FORCE MAIN
—GAS—	GAS MAIN
—RD-CL—	ROAD CENTERLINE
—8" SAN—	SANITARY SEWER
—12" SS—	STORM SEWER
—EX-TOS—	TOE OF SLOPE
—EX-TOB—	TOP OF BANK
—OHE—	UTILITIES - OVERHEAD
—UTL—	UTILITIES - UNDERGROUND
—12" WM—	WATER MAIN

HATCH PATTERNS	
[Hatch Pattern]	ASPHALT - EXISTING
[Hatch Pattern]	ASPHALT - PROPOSED
[Hatch Pattern]	CONCRETE
[Hatch Pattern]	GRAVEL
[Hatch Pattern]	LANDSCAPING
[Hatch Pattern]	RIP-RAP

OVERALL PARCEL DESCRIPTION:
THE SOUTH 380.00 FEET OF THE WEST 115.00 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, T14 N.- R.04 W., UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS, COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE N.89°-57'-50"E., ON AND ALONG THE SOUTH LINE OF SAID SECTION, 1326.78 FEET TO THE SOUTHWEST CORNER OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N.00°-48'-39"W., ON AND ALONG THE WEST 1/8 LINE, 380.03 FEET; THENCE N.89°-57'-50"E., PARALLEL WITH AND 380.00 FEET, NORTH OF SAID SOUTH SECTION LINE, 115.01 FEET; THENCE S.00°-48'-39"E., PARALLEL WITH AND 115.00 FEET, MEASURED AT RIGHT ANGLES, EAST OF SAID WEST 1/8 LINE, 380.03 FEET TO A POINT ON SAID SOUTH SECTION LINE; THENCE S.89°-57'-50"W., ON AND ALONG SAID SOUTH SECTION LINE, 115.01 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRE OF LAND AND SUBJECT TO HIGHWAY USE OF THE SOUTH 33.00 FEET THEREOF AND ALSO SUBJECT TO AND TOGETHER WITH AND EASEMENTS AND/OR RESTRICTIONS OF RECORD.

SHEET INDEX	
1	COVER SHEET
2	EXISTING TOPOGRAPHY SURVEY
3	OVERALL SITE PLAN
4	SITE HORIZONTAL PLAN

BEARING BASIS:
PER GEODETIC OBSERVATION WGS-84, THE BEARING OF THE SOUTH SECTION LINE BETWEEN THE SOUTHWEST CORNER AND THE SOUTH 1/4 CORNER WAS DETERMINED TO BE N89°-57'-50"E.

OWNER:	TIMOTHY E. & LORI K. BEBEE 909 N. DEWITT STREET BAY CITY, MI 48706
CLIENT:	CENTRAL MICHIGAN SURVEYING & DEVELOPMENT CO., INC. 2257 E. BROOMFIELD ROAD MT. PLEASANT, MI 48858 CONTACT: TIMOTHY E. BEBEE PHONE: (989) 775-0756 EMAIL: info@cms-d.com
CONSULTANT:	CENTRAL MICHIGAN SURVEYING & DEVELOPMENT CO., INC. 2257 E. BROOMFIELD ROAD MT. PLEASANT, MI 48858 CONTACT PERSON: TIMOTHY E BEBEE PHONE: (989) 775-0756 FAX: (989) 775-5012 EMAIL: info@cms-d.com

CHARTER COMMUNICATIONS 915 E. BROOMFIELD STREET MT. PLEASANT, MI 48858 (989) 621-4932 RANDY BUNKER rbunker@chartercom.com	CHARTER TOWNSHIP OF UNION PUBLIC WATER/PUBLIC SEWER 2010 S. LINCOLN ROAD MT. PLEASANT, MI 48858 (989) 772-4600 EXT 24 KIM SMITH ksmith@uniontownshipmi.com
CONSUMERS ENERGY 1325 WRIGHT AVENUE ALMA, MI 48801 (989) 466-4282 KIM STUDDT kimberly.studdt@cmsenergy.com	CHARTER TOWNSHIP OF UNION PLANNING & ZONING 2010 S. LINCOLN ROAD MT. PLEASANT, MI 48858 (989) 772-4600 EXT 241 PETER GALLINAT pgallinat@uniontownshipmi.com
FRONTIER 345 PINE AVENUE ALMA, MI 48801 (989) 463-0392 MARK A. MARSHALL Mark.Marshall@fr.com	DRAIN COMMISSIONERS OFFICE ISABELLA COUNTY BUILDING 200 N. MAIN STREET ROOM 140 MT. PLEASANT, MI 48857 (989) 317-4072 ROBERT WILLOUGHBY drain@isabellacounty.org
DTE ENERGY 4420 44TH STREET S.E., SUITE B KENTWOOD, MI 49512 (616) 954-4623 MARY JO MCKERSIE mckersiem@dteenergy.com	ISABELLA COUNTY ROAD COMMISSION 2261 E. REMUS ROAD MT. PLEASANT, MI 48858 (989) 773-7131 EXT 115 PATRICK GAFFNEY PGaffney@isabellaroads.com
MT. PLEASANT FIRE DEPARTMENT 804 E. HIGH STREET MT. PLEASANT, MI 48858 (989) 779-5100 EXT 5122 L.T. BRAD DOEPKER bdoepker@mt-pleasant.org	

REVISIONS:	
SUBMITTALS:	SUBMITTAL TO UNION TWP PLANNING 11-3-21
JOB NUMBER:	2110-173
DRAWN BY:	CDS
DESIGNED BY:	CDS
CHECKED BY:	TELB
SCALE:	N/A
SHEET NUMBER:	1 of 4

MCGUIRK PATRICK H JR & NANCY
 3695 S. LINCOLN ROAD
 MT. PLEASANT, MI 48858
 14-021-30-008-01
 ZONED: R1

DEANS BRIAN D & KIMBERLY M TRUST
 1025 S. KINNEY AVENUE
 MT. PLEASANT, MI 48858
 14-021-30-013-02
 ZONED: R1 & B4

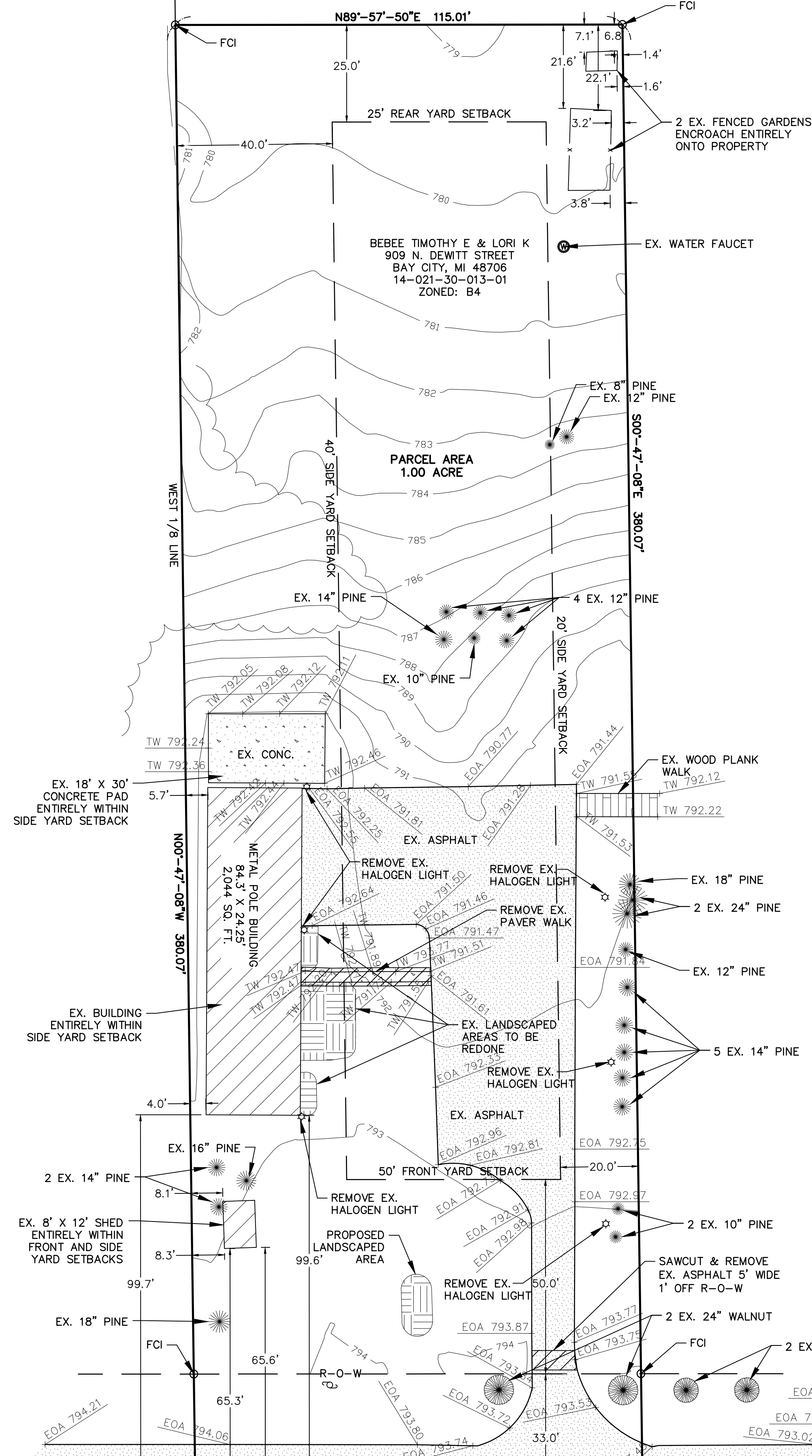
SOUTHWEST COR.
 SEC. 21, T14N-R4W
 FND. REMON. COR., PER LCRC L. 3, P. 225
 N49°E 49.27' FND N&T IN POWER POLE
 S23°E 74.93' FND SCAFFOLDING N&T IN POWER POLE
 S26°W 89.11' FND N&T IN 13" WALNUT
 N50°W 48.23' FND SCAFFOLDING N&T IN POWER POLE

RECKER EDWARD & TERESA
 7906 E. BROOMFIELD ROAD
 MT. PLEASANT, MI 48858
 14-028-10-001-00
 ZONED: R1

HORNIAK DANIEL
 2254 E. BROOMFIELD ROAD
 MT. PLEASANT, MI 48858
 14-028-10-001-01
 ZONED: R1 & B4

GUNNING BENJAMIN & KATHLEEN
 2270 E. BROOMFIELD ROAD
 MT. PLEASANT, MI 48858
 14-028-10-001-02
 ZONED: B4

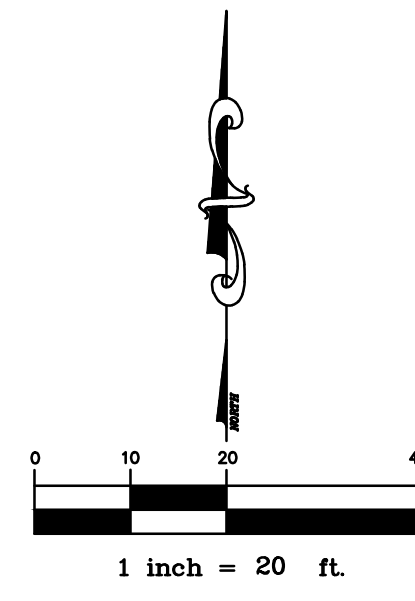
B NELSON ENTERPRISES INC.
 2280 E. BROOMFIELD ROAD
 MT. PLEASANT, MI 48858
 14-028-10-006-01
 ZONED: R1 & B4



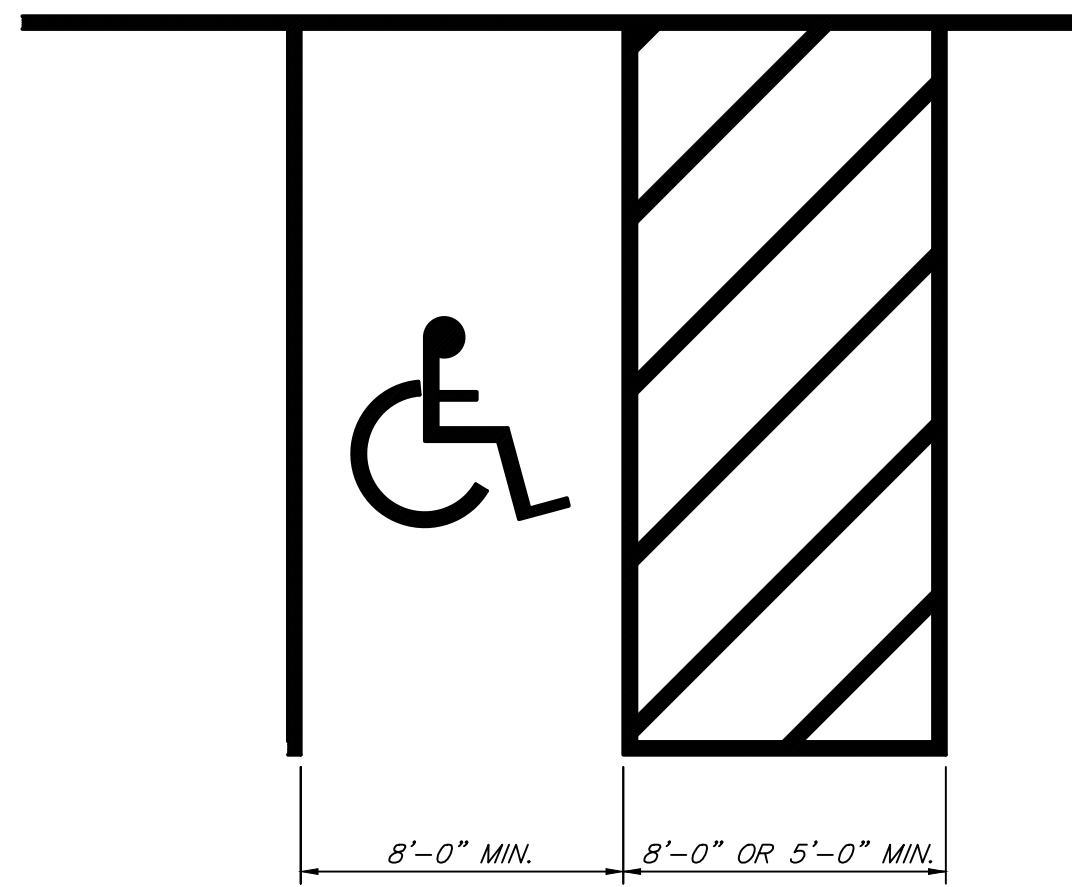
NOTE: REMOVE ALL EXISTING EXTERIOR HALOGEN LIGHT FIXTURES TO BE REPLACED WITH BUILDING MOUNDED NEW LED DOWNSHIELDED WALLPACKS.

NOTE: PROTECT ALL EXISTING TREES EXCEPT WHERE OTHERWISE NOTED.

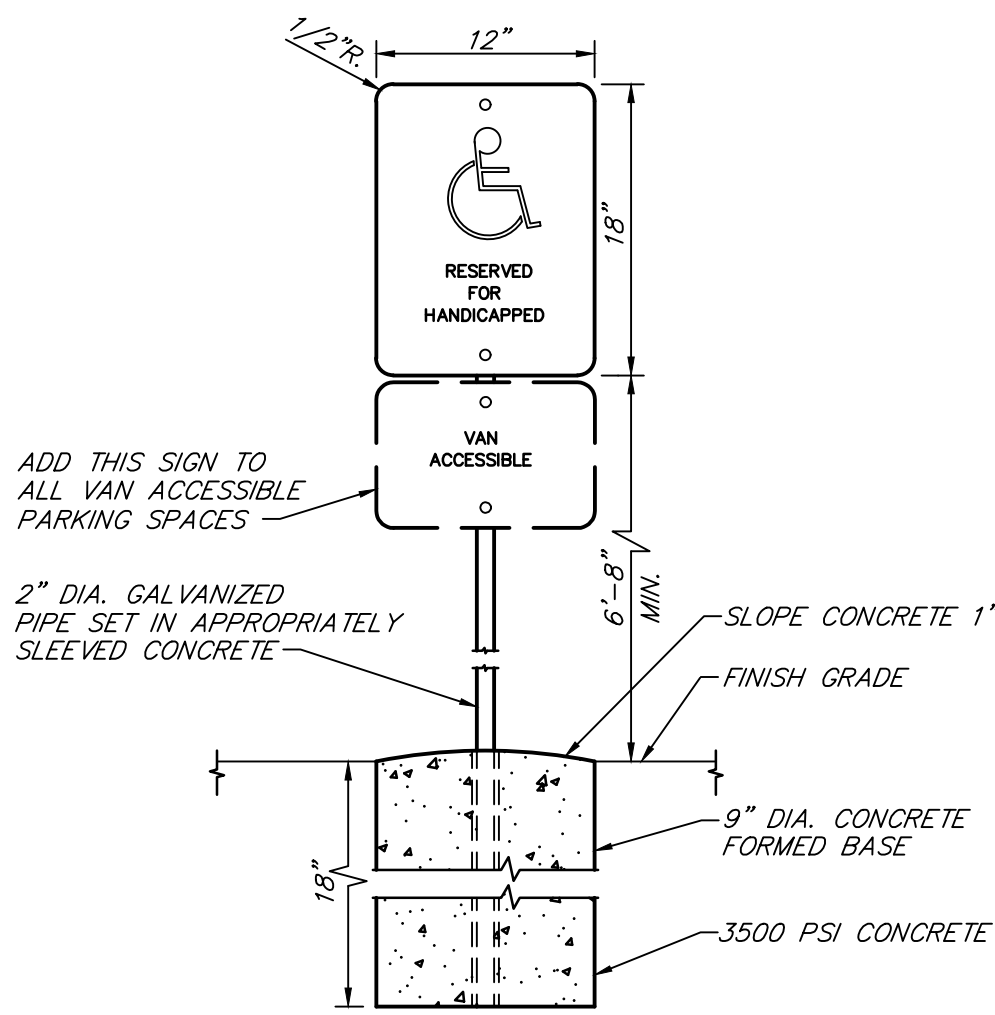
SOUTH 1/4 COR.
 FND. REMON. COR., PER LCRC L. 4, P. 64
 N28°W 32.57' FND N&D IN SW FACE TELEPHONE POLE
 S02°E 67.67' FND N&T IN E FACE POWER POLE
 S18°E 31.59' CENTER MANHOLE COVER
 N10°E 17.54' FND PK N&T (19003) IN ASPHALT APRON



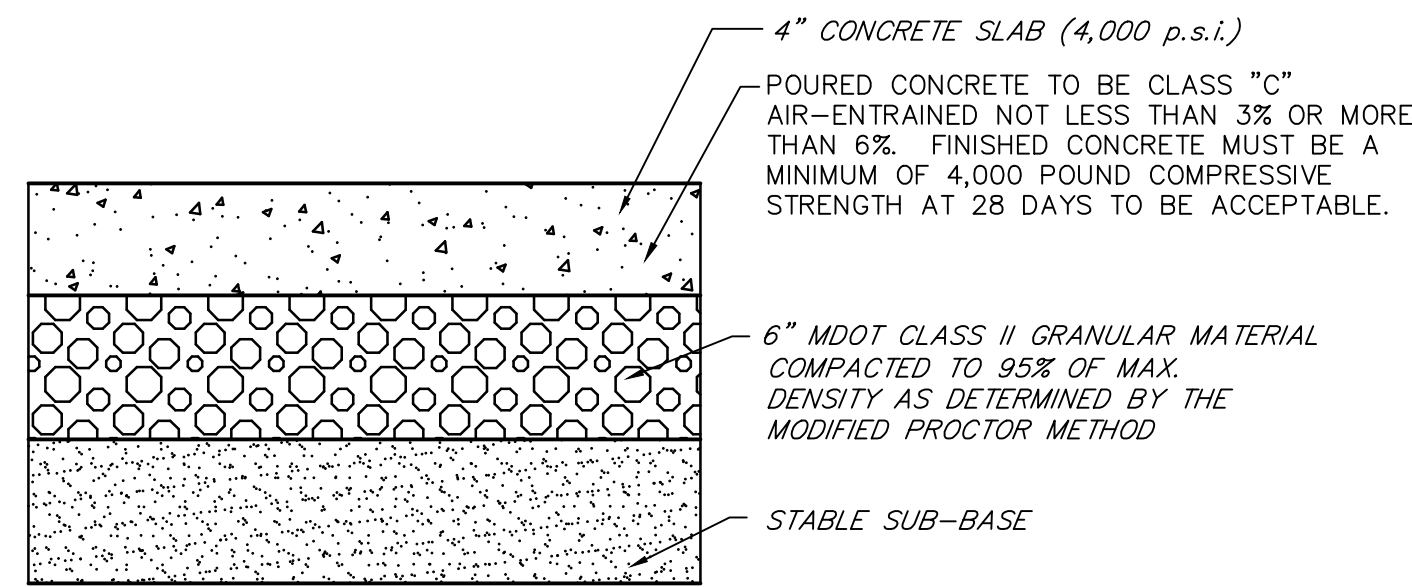
SCALE	1" = 20'
SHEET NUMBER	2 of 4
JOB NUMBER:	2110-173
DRAWN BY:	CDS
DESIGNED BY:	CDS
CHECKED BY:	TELB
REVISIONS:	SUBMITTALS: SUBMITTAL TO UNION TWP PLANNING 11-3-21



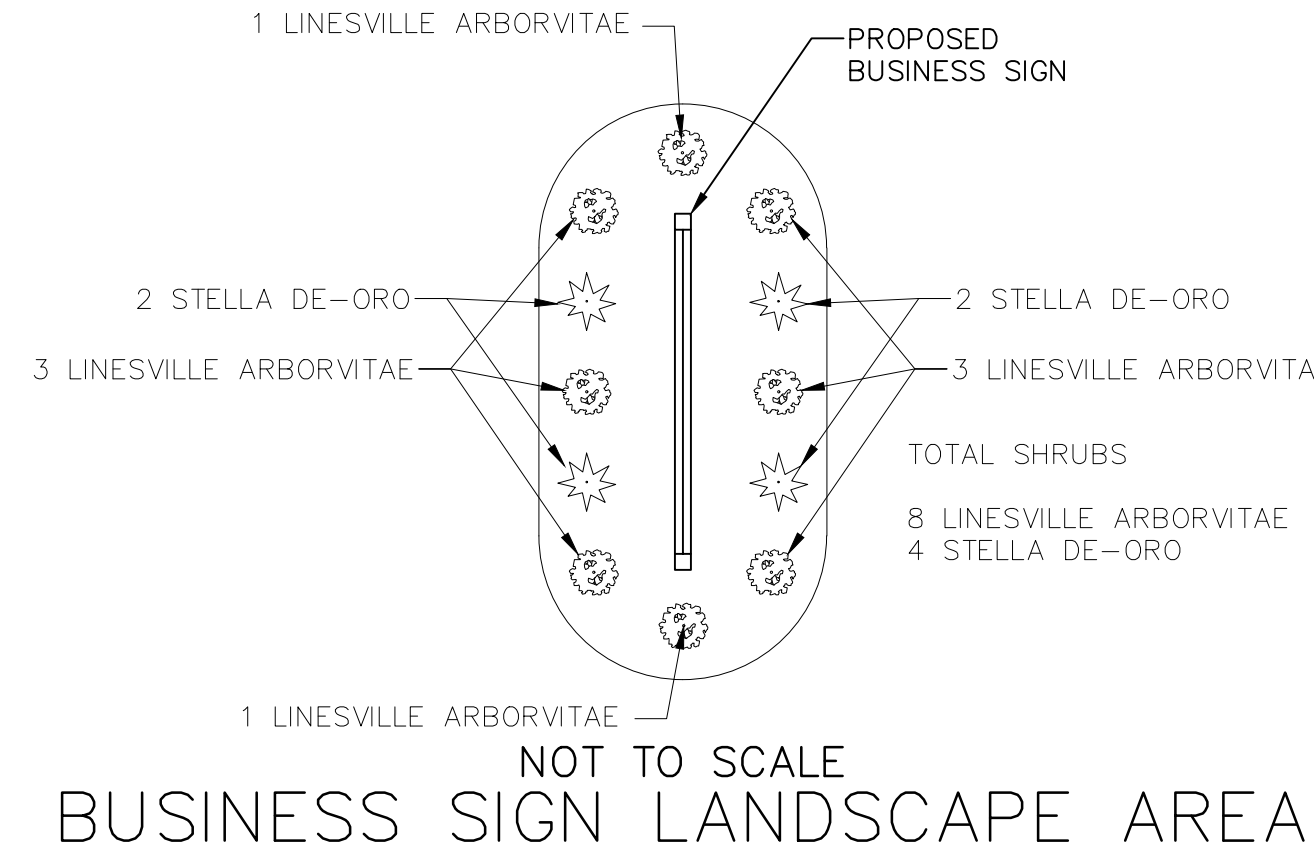
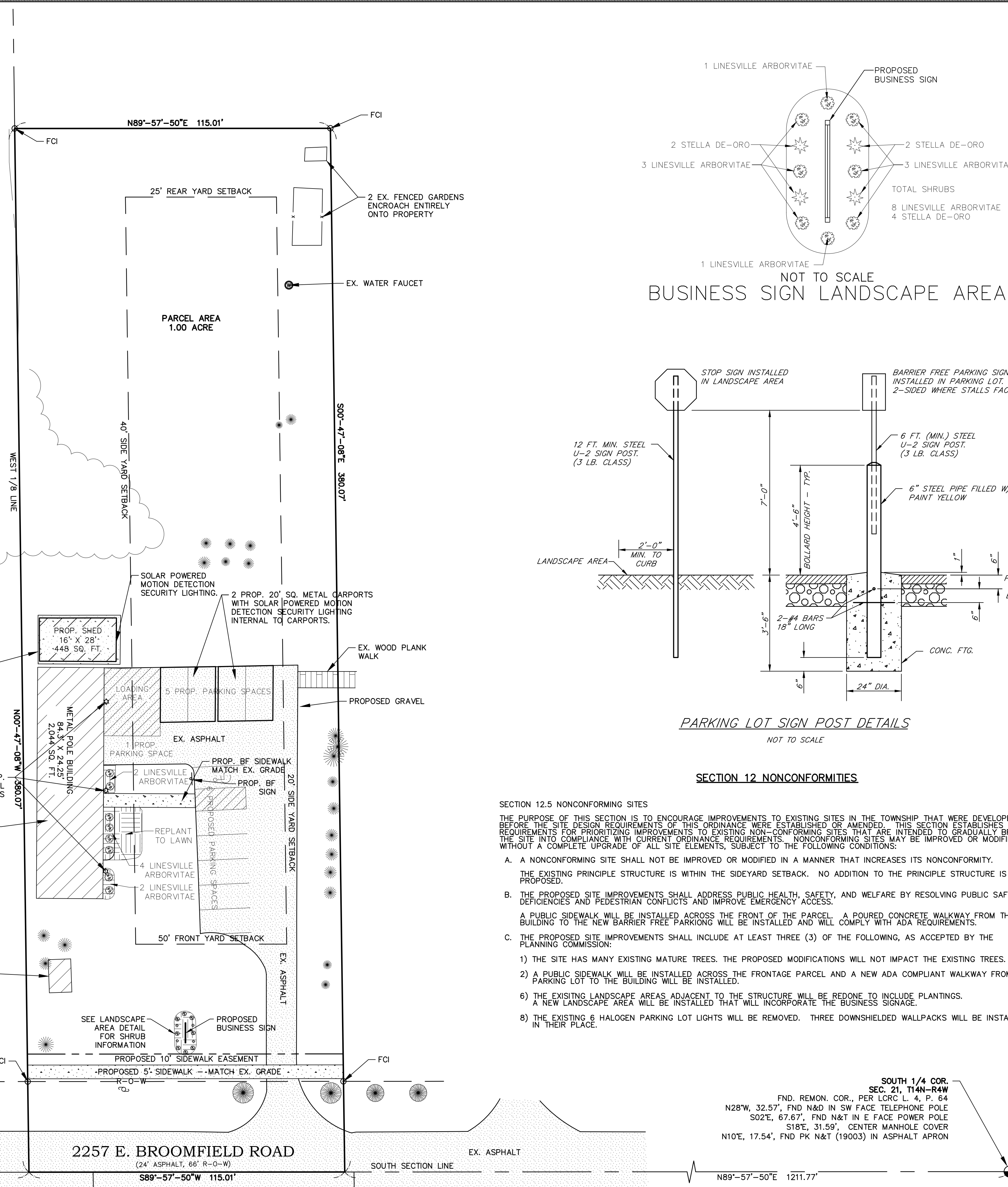
BARRIER FREE PARKING SPACES
NOT TO SCALE



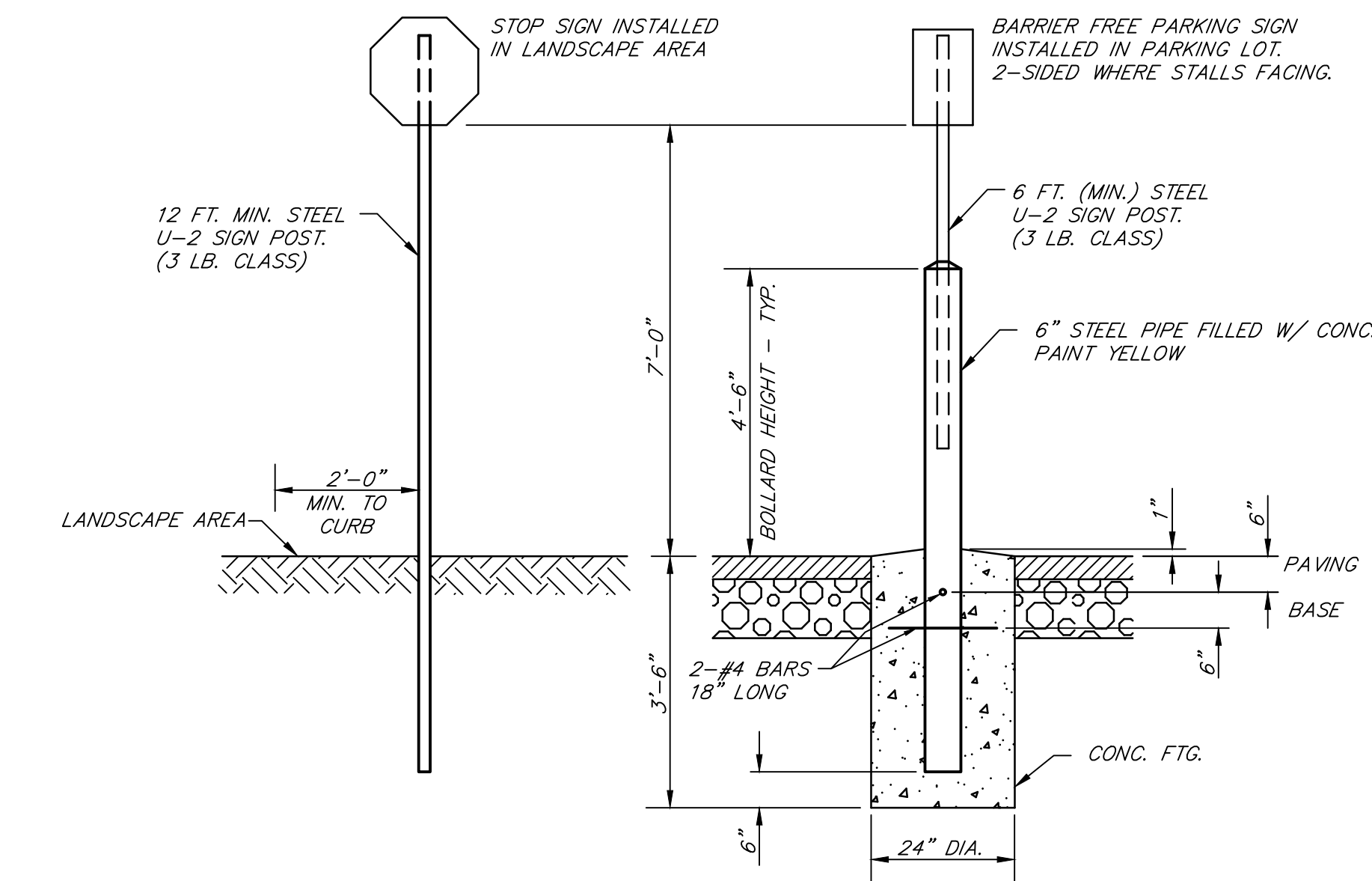
TYP. BARRIER FREE PARKING SIGN
NOT TO SCALE



CONCRETE SIDEWALK CROSS-SECTION
NOT TO SCALE



BUSINESS SIGN LANDSCAPE AREA
NOT TO SCALE



PARKING LOT SIGN POST DETAILS
NOT TO SCALE

SECTION 12 NONCONFORMITIES

SECTION 12.5 NONCONFORMING SITES

THE PURPOSE OF THIS SECTION IS TO ENCOURAGE IMPROVEMENTS TO EXISTING SITES IN THE TOWNSHIP THAT WERE DEVELOPED BEFORE THE SITE DESIGN REQUIREMENTS OF THIS ORDINANCE WERE ESTABLISHED OR AMENDED. THIS SECTION ESTABLISHES REQUIREMENTS FOR PRIORITIZING IMPROVEMENTS TO EXISTING NON-CONFORMING SITES THAT ARE INTENDED TO GRADUALLY BRING THE SITE INTO COMPLIANCE WITH CURRENT ORDINANCE REQUIREMENTS. NONCONFORMING SITES MAY BE IMPROVED OR MODIFIED WITHOUT A COMPLETE UPGRADE OF ALL SITE ELEMENTS, SUBJECT TO THE FOLLOWING CONDITIONS:

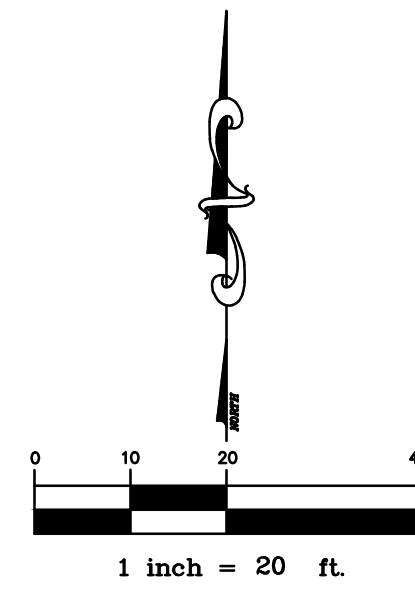
- A NONCONFORMING SITE SHALL NOT BE IMPROVED OR MODIFIED IN A MANNER THAT INCREASES ITS NONCONFORMITY. THE EXISTING PRINCIPLE STRUCTURE IS WITHIN THE SIDEYARD SETBACK. NO ADDITION TO THE PRINCIPLE STRUCTURE IS BEING PROPOSED.
- THE PROPOSED SITE IMPROVEMENTS SHALL ADDRESS PUBLIC HEALTH, SAFETY, AND WELFARE BY RESOLVING PUBLIC SAFETY DEFICIENCIES AND PEDESTRIAN CONFLICTS AND IMPROVE EMERGENCY ACCESS. A PUBLIC SIDEWALK WILL BE INSTALLED ACROSS THE FRONT OF THE PARCEL. A POURED CONCRETE WALKWAY FROM THE BUILDING TO THE NEW BARRIER FREE PARKING WILL BE INSTALLED AND WILL COMPLY WITH ADA REQUIREMENTS.
- THE PROPOSED SITE IMPROVEMENTS SHALL INCLUDE AT LEAST THREE (3) OF THE FOLLOWING, AS ACCEPTED BY THE PLANNING COMMISSION:
 - THE SITE HAS MANY EXISTING MATURE TREES. THE PROPOSED MODIFICATIONS WILL NOT IMPACT THE EXISTING TREES.
 - A PUBLIC SIDEWALK WILL BE INSTALLED ACROSS THE FRONTAGE PARCEL AND A NEW ADA COMPLIANT WALKWAY FROM THE BUILDING TO THE BUILDING WILL BE INSTALLED.
 - THE EXISTING LANDSCAPE AREAS ADJACENT TO THE STRUCTURE WILL BE REDONE TO INCLUDE PLANTINGS. A NEW LANDSCAPE AREA WILL BE INSTALLED THAT WILL INCORPORATE THE BUSINESS SIGNAGE.
 - THE EXISTING 6 HALOGEN PARKING LOT LIGHTS WILL BE REMOVED. THREE DOWNSHIELDED WALLPACKS WILL BE INSTALLED IN THEIR PLACE.

SOUTHWEST COR. SEC. 21, T14N-R4W

FND. REMON. COR., PER LCRC L. 3, P. 225	FND N&T IN POWER POLE
N49°E 49.27'	FND SCAFFOLDING N&T IN POWER POLE
S23°E 74.93'	FND N&T IN 13" WALNUT
S26°W 89.11'	FND SCAFFOLDING N&T IN POWER POLE
N50°W 48.23'	

SOUTH 1/4 COR. SEC. 21, T14N-R4W

FND. REMON. COR., PER LCRC L. 4, P. 64	FND N&D IN SW FACE TELEPHONE POLE
N28°W 32.57'	FND N&T IN E FACE POWER POLE
S02°E, 67.87'	S18°E, 31.59', CENTER MANHOLE COVER
N10°E, 17.54'	FND PK N&T (19003) IN ASPHALT APRON



CMS & D
SURVEYING / ENGINEERING
2057 E. BROOMFIELD ROAD
MT. PLEASANT, MICHIGAN 48858
PHONE: (989) 775-0756
FAX: (989) 775-5012
EMAIL: info@cms-d.com

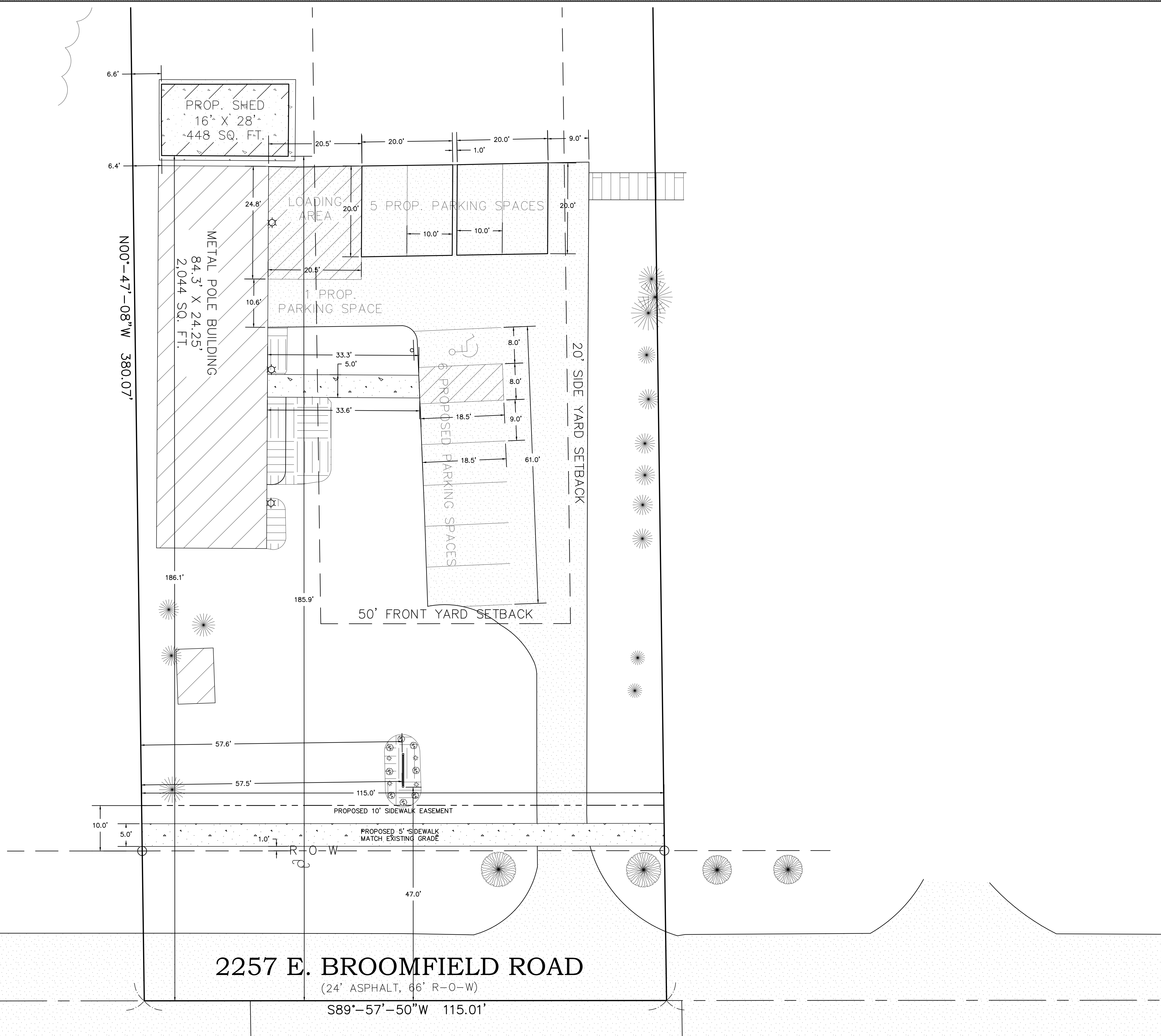
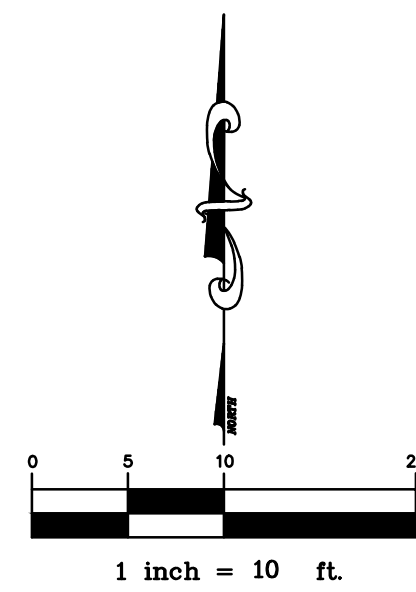
OVERALL SITE PLAN
CMS&D CO., INC.
PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4,
SECTION 21, T14N-R04W,
UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

REVISIONS:

JOB NUMBER:	2110-173
DRAWN BY:	CDS
DESIGNED BY:	CDS
CHECKED BY:	TELB

SCALE: 1" = 20'

SHEET NUMBER: 3 of 4



2257 E. BROOMFIELD ROAD
 (24' ASPHALT, 66' R-O-W)
 S89°-57'-50"W 115.01'

CMS & D
 SURVEYING / ENGINEERING
 2957 E. BROOMFIELD ROAD
 MT. PLEASANT, MICHIGAN 48858
 PHONE: (989) 775-0756
 FAX: (989) 775-5012
 EMAIL: info@cms-d.com

SITE HORIZONTAL PLAN
 CMS&D CO., INC.
 PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4,
 SECTION 21, T14N-R04W,
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

SCALE	1" = 10'
SHEET NUMBER	4 OF 4
JOB NUMBER:	2110-173
DRAWN BY:	CDS
DESIGNED BY:	CDS
CHECKED BY:	TELB
REVISIONS:	
SUBMITTALS:	SUBMITTAL TO UNION TWP PLANNING 11-3-21

VARIANCE REPORT

TO:	Zoning Board of Appeals	DATE:	November 23, 2021
FROM:	Rodney C. Nanney, AICP Community and Economic Development Director	ZONING:	B-4, General Business District
PROJECT:	PVAR21-02 Application 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 at 2257 E. Broomfield Road, a one (1) acre parcel in the B-4 (General Business District) and in the SW ¼ of Section 21.		
PARCEL(S):	14-021-30-013-01		
OWNER(S):	Beebe Timothy E & Lori Kay		
LOCATION:	Approximately one (1) acre parcel located at 2257 E. Broomfield Road in the SW ¼ of Section 21.		
EXISTING USE:	Office Building for CMS&D	ADJACENT ZONING:	B4, R-1
ACTION REQUESTED:	To hold a public hearing, review, and take action on the setback variance request per Section 14.4.B.4 (Variances)		

Background Information

Minor site plan application and nonconforming site.

This variance request was in response to a minor site plan application recently submitted to the Township for administrative approval, which included the addition of two carport structures and the 448 square foot shed. This site qualified as a nonconforming site, since it was originally developed prior to current B-4 District site development standards. The purpose of Section 12.5 (Nonconforming Sites) is to encourage improvements to existing sites in the Township that were developed before the site design requirements of this ordinance were established or amended. The applicant has proposed three (3) improvements that bring the site closer into compliance with Zoning Ordinance No. 20-06, including a new sidewalk, down-shielded exterior lighting, and new landscaping.

The proposed location of the new carports was found to satisfy the applicable Ordinance standards, but the location of the 448 square foot shed requires a variance.

History of the parcel and existing structures.

The subject parcel was created by a metes and bounds land division in 2018, just prior to being purchased by the applicant. Prior to the division, the subject parcel had been part of a larger

tract of land associated with an existing single-family dwelling and land previously used for agricultural purposes.

The existing building now used for the CMS&D offices was originally lawfully constructed under the Zoning Ordinance in effect at the time as a detached accessory structure for the residence. After the division and change of use, the principal building on the subject parcel is considered to be a legal nonconforming building because of noncompliance with the minimum required side yard setback in the B-4 (General Business) zoning district. There is also a smaller shed on the parcel located closer to E. Broomfield Road, which also does not conform to the minimum side yard setback requirement for this type of structure under the current Ordinance.

History of the previous building permit.

As noted in the applicant's 11/7/2021 letter, the previous owner of the larger tract of land had sought and was granted a building permit (permit no. PB1800103) for a detached accessory structure in the same location that they are proposing. It was applied for in August of 2018 and expired in September of 2019. An existing concrete pad was poured during the period of time, but no building was constructed.

At the time the PB1800103 building permit was processed in 2018, the proposed accessory structure did not meet the threshold in effect at the time to qualify as an accessory building subject to zoning approval. This threshold was based in part on a June 2017 interpretation of the former Zoning Ordinance No. 1991-5 by the ZBA that an accessory structure would only be subject to Zoning Ordinance standards (including the 10.0 foot building setback) if it was on a permanent foundation ("*anything attached to something having permanent location on the ground*"). Adoption of the current Zoning Ordinance No. 20-06 in September of 2020, which included updated definitions and updated standards for these structures, caused this 2017 interpretation to become void and of no effect.

Had the previous owner's building project been completed in 2018 under the former Zoning Ordinance No. 1991-5, the resulting structure would have been legally-nonconforming under the current Zoning Ordinance No. 20-06. When the applicant approached the Township in 2021 about the proposed cold storage building for his business, the Zoning Administrator confirmed that the expired 2018 permit could not be renewed, that a new building permit approval would be required for this project, and that the project would need to meet current Zoning Ordinance standards.

Review Comments

Section 4.4.B.4 of the Zoning Ordinance establishes the standards for consideration of variance request by the Zoning Board of Appeals. Upon finding that "*practical difficulties*" exist based on the factors noted below, the Board of Appeals may choose to authorize a variance from the dimensional (i.e., height, bulk, setback) requirements of the Zoning Ordinance by varying or modifying the provision in a limited manner so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

The Board of Appeals may grant a requested variance upon finding that “practical difficulties” exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the Board of Appeals is required to consider each of the four (4) variance factors from Section 14.4.B.4., which are listed in the following table in bold printed text. Staff review comments follow under each factor:

Section 14.4.B.4.a. (Variances)	
i.	<p>Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.</p> <p>Section 7.5.C.2.d does not prohibit the applicant from having a detached accessory building to use for cold storage. The applicant has indicated that there are geographic restrictions for much of the northern part of the parcel. Specifically, that once you are 21-22 feet north of the existing principal building there is a significant downward slope in the grade (see sheet 2 of 4 in the site plan set to view the existing topographic contours of the site). Staff agrees that this condition creates challenges to development on the northern portion of the parcel.</p> <p>However, this only affects part of the property. The proposed location of the new accessory building is not the only place on the southern portion of the parcel where a detached accessory building could be placed. There is room east of the existing concrete pad and north of the parking area where an accessory building of the same size as proposed could be placed in a manner that could conform to Zoning Ordinance standards. A new concrete pad would need to be poured.</p> <p>It is the opinion of staff that strict compliance with the ten (10) foot setback standard will not unreasonably prevent the owner from using the property for a detached accessory building.</p>
ii.	<p>The variance will do substantial justice to the applicant, as well as to other property owners.</p> <p>The applicant’s 11/7/2021 letter includes a statement that, <i>“This parcel has several unique features that make expansion very difficult.”</i> The letter than specifically references setback standards that make expansion of the principal office building (a legal nonconforming structure) very difficult.</p> <p>The letter includes outdated references to a 20.0 foot side yard setback requirement in the B-4 District. A text amendment went into effect on 11/22/2021 that reduced the side yard setbacks in this District to 10.0 feet, which would potentially allow for an addition to be constructed off the northeast corner of the office building without increasing the existing nonconformity.</p> <p>In addition, the letter also notes that a detached accessory building (proposed for cold storage) is subject to a lesser side yard setback standard, meaning that there are other suitable locations within the lot boundaries where this cold storage building could be lawfully constructed.</p> <p>It is the opinion of staff that granting the variance will benefit the applicant because it will allow convenient use of an existing concrete pad for construction, but would not be consistent with the principle of doing substantial justice to both the applicant and other property owners that have been required to meet the Ordinance requirements for their projects.</p>

Section 14.4.B.4.a. (Variances)

A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

iii.

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.

A lesser variance would not give the relief needed for the proposed location. It is the opinion of staff that a lesser variance would also not be consistent with justice to other property owners that have been required to meet the Ordinance requirements for their projects.

The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

iv.

The applicant referenced the expired building permit PB1800103 in their 11/7/2021 letter as a potential reason to consider this variance. However, this expired permit is not germane to this case, because it applied to a residential (not a commercial) 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.

In addition, the applicant's choice and preference to make use of an existing concrete pad is a convenience, but this existing condition does not constitute a practical difficulty to construction elsewhere on the lot and does not justify the requested variance.

It is the opinion of staff that the problem and resulting need for a variance are directly the result of the applicant's actions and choices.

ZBA Review and Deliberation

Following the hearing, the Zoning Board of Appeals shall review the application materials, together with any reports and recommendations, and any public comments. The Board of Appeals shall identify and evaluate all relevant factors and shall then take action by motion to approve, deny or approve with conditions the variance application, or to postpone further consideration of the application to a date certain with any request for additional information or answers to questions needed for an informed decision.

Key Findings

1. The expired building permit PB1800103 is not germane to this case because it applied to 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.

Recommendations

The application is ready for Zoning Board of Appeals review and action. Any action on this variance application should be in the form of a motion to approve or deny the requested variance. As part of its review and deliberation, the Board of Appeals should identify specific findings of fact regarding the application's consistency with the applicable criteria for variance approval as noted in our report, which should be incorporated into the motion.

Per Section 14.4.B.5. (Conditions), the Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act, and the specific limiting factors noted in this Section.

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

Draft Motions: Variance Application

MOTION TO APPROVE THE VARIANCE:

Motion by _____, supported by _____, to approve the PVAR 21-02 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. To require the applicant to pour a new concrete pad or foundation for this new building would constitute a practical difficulty to construction that justifies the requested variance.
2. Granting the variance would do substantial justice to the applicant and to the owners of other parcels in the area or the B-4 District by: _____

3. There is no other location on the southern portion of the parcel beyond the existing concrete pad where the proposed accessory building could reasonably be located.
4. The following facts demonstrate that the problem and resulting need for a variance are not the result of the applicant’s actions and choices: _____

Approval of this variance is subject to the following conditions:

MOTION TO POSTPONE ACTION:

Motion by _____, supported by _____, to postpone action on the PVAR 21-02 application from Timothy and Lori Bebee for a variance at 2257 E. Broomfield Road (PID 14-021-30-013-01) to the _____, 2022 regular meeting, with a request that:

- The applicant provide the following items of additional information necessary for a decision: _____

- The Township Attorney be asked to provide counsel and direction on the following legal questions: _____

- Township staff take action to _____

Draft Motions: Variance Application

MOTION TO DENY THE VARIANCE:

Motion by _____, supported by _____, to deny the PVAR 21-02 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.

ZBA ANNUAL REPORT TO THE PLANNING COMMISSION FOR 2021

TO:	Planning Commission	DATE:	November 22, 2021
FROM:	Zoning Board of Appeals		
PROJECT:	Annual Report for 2021		
ACTION REQUESTED:	To adopt the annual report to the Planning Commission as required by the ZBA Rules of Procedure.		

2021 Meetings

The ZBA had scheduled a meeting on the first Wednesday of each month this year, but only met three times to conduct business in March, September, and December.

1. **March 3, 2021 (PVAR21-02).** The March meeting the ZBA held a public hearing for a variance related to the location of a freestanding sign. A previous variance in 2019 was granted by the ZBA for 5316 E. Pickard Road for parking setbacks which would later on limit the ability for a free-standing sign meet the required front yard setback without placing the sign within the parking lot. The variance was approved.
2. **September 1, 2021 (PVAR21-01 & PZA21-01).** During the September meeting the ZBA a public hearing was held for a variance related to height of a detached accessory building at 5633 S. Grant Road. The variance was denied. A public hearing was also held for an administrative appeal of a determination made by the Zoning Administrator related to modifications of a non-conforming structure located at 3813 S. Lincoln Road. The Zoning Administrator's determination was upheld.
3. **December 1, 2021 (PVAR21-03).** In December the ZBA held a public hearing for the variance related to the setback requirement of a detached accessory building from the principal building. The request is an eight-foot variance from the required 10 feet located at 2257 E. Broomfield Road. The variance was _____.

Anticipated Change to the ZBA Rules of Procedure

The Michigan Zoning Enabling Act does not require the ZBA to provide an annual report to the Planning Commission. Given that one of the ZBA members is also a member of the Planning Commission, the Commission is kept aware throughout the year of actions taken by the ZBA. In addition, the ZBA may choose at any regular meeting to make a motion to recommend desired Zoning Ordinance changes to the Planning Commission for consideration.

For these reason, it is anticipated that updated ZBA Rules and Procedures will be included on a future regular ZBA meeting agenda for consideration.

CHARTER TOWNSHIP OF UNION

Scheduled Meetings for 2022



BOARD OF TRUSTEES: *(Second and Fourth Wednesday of each Month)*

January 12	March 29 <i>(Joint Meeting)</i>	June 22	September 28
January 26	April 13	July 13	October 12
February 9	April 27	July 27	October 26
February 23	May 11	August 10	November 9
March 9	May 25	August 24	November 22 <i>(Tuesday)</i>
March 23	June 8	September 14	December 21

BOARD OF REVIEW:

EDA *(Third Tuesday of each Month)* All meetings begin at 4:30p.m.

January 18	April 19	July 26 <i>Informational</i>	September 20
February 15	May 17	August 16 <i>Informational</i>	October 18
March 15	June 21	**regular meeting to follow	November 15
March 29 <i>(Joint Meeting)</i>	July 19	August 16	December 20

PLANNING COMMISSION: *(Third Tuesday of each Month)*

*Sidewalks and Pathways Prioritization Committee invited to January 18th meeting

January 18*	April 19	August 16	December 20
February 15	May 17	September 20	
March 15	June 21	October 18	
March 29 <i>(Joint Meeting)</i>	July 19	November 15	

SIDEWALKS AND PATHWAYS PRIORITIZATION COMMITTEE: *(Meets Quarterly)*

January 18	February 22	April 26	October 27
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ZONING BOARD OF APPEALS: *(First Wednesday of each Month)*

January 5	April 6	August 3	December 7
February 2	May 4	September 7	
March 2	June 1	October 5	
March 29 <i>(Joint Meeting)</i>	July 6	November 2	

JOINT MEETING DATE: *(Board of Trustees, ZBA, Planning Commission, EDA, and Sidewalks and Pathways Prioritization Committee)* Date March 29 7:00pm

All the above meetings are to be held at the Union Township Hall, 2010 S. Lincoln Road. All meetings except for the Board of Review and EDA start at 7:00 p.m. Minutes and Agendas may be obtained at the Township Hall, during regular business hours. Phone 989-772-4600