

CHARTER TOWNSHIP OF MONITOR  
ZONING BOARD OF APPEALS

October 19, 2017

The meeting was called to order by Chairman J. Horen at 7:00 p.m.

Members present: J. Horen, D. Darland, G. Brandt, W. Sinke and J. Krueger  
Members absent: None  
Also Present: J. Wildeboer, Alternate  
Also in Attendance: Kathie Sumner, Terry Kubasiak

The pledge of allegiance was recited by all present.

**Motion by D. Darland, seconded by G. Brandt to adopt the agenda as presented.**

Motion carried.

**Motion by G. Brandt, seconded by D. Darland to approve the minutes of September 21, 2017 regular meeting as presented.**

Motion carried.

**Public Input**

Public input was opened and closed at 7:04 p.m. with no one present from the public wishing to speak.

**New Business**

**Kathryn Sumner: 3468 W. Pressler Drive 09-100-037-200-280-00**

J. Horen read aloud the Public Hearing Notice regarding the application received from Kathryn and Marvin Sumner requesting a variance on their property located at **3468 W. Pressler Drive** in Monitor Township, Bay County, Bay City, Michigan, so they can build a 30' X 40' ft accessory building.

The Sumner's are requesting a ten (10) ft side yard setback variance in the rear (west side) of their property. Due to the location of mature, fruit producing trees, the Sumner's are currently unable to comply with Monitor Township Ordinance 52, Chapter III, Section 3.26, (c) (1-3) which requires them to maintain a minimum setback of twenty five (25) feet from the property line.

Furthermore, the Sumner's are asking that the Zoning Board of Appeals also approve a request to keep their existing 12' X 20' shed until construction of the new storage building is complete. The current Ordinance 52, Chapter III, Section 3.26 General Provisions, Conditions: (6) does not allow more than one accessory building on a residential lot.

J. Horen asked what the building would be used for. The Sumner's stated that the building would be used for storage only.

D. Darland inquired about the two separate existing staked-out layouts that he saw when he visited the property and the drainage.

K. Sumner stated that one layout was the proposed size, and the other was an alternate.

D. Darland stated that the Ordinance does allow for accessory buildings to have a 15' ft side yard setback provided that adequate drainage is installed.

K. Sumner stated that gutters, downspouts and a catch basin will be installed southeast of the proposed building. The catch basin will be 20' – 25' feet away from the building, to drain into a leach pit.

W. Sinke stated that he could not find a hardship.

D. Darland remarked that it would need to be determined if drainage is sufficient, meeting the terms and conditions of the Ordinance and approved by the Township building official.

G. Brandt stated that there is a history of drainage problems in this area. There is a drain located on Pressler but it has a small diameter and provides minimal drainage.

T. Kubasiak, of 3458 Pressler Drive, K. Sumner's neighbor on the west side spoke stating that he has never had a problem with drainage from his storage building.

J. Horen confirmed that there are two variances to make a determination on, first the 10' side yard setback issue, and secondly, the recommendation regarding the existing shed that the applicant desires to retain during construction of the new accessory building.

J. Krueger mentioned the 25' ft setback requirement from other structures and that neighbor T. Kubasiak's shed is approximately 10' ft from the property line. At a minimum you would need to be on the west side is 15' feet.

J. Horen reminded the applicant to take into consideration the eave when plotting the setback measurements.

The Board discussed repositioning the building in order to comply with the Ordinance as there is no evidence that any of the requirements of 18.10 can be met.

D. Darland suggested that the building be rotated 90 degrees and constructed on the south side of the property with a 15' setback from the lot line upon proper approval from the Township building official to confirm and approve adequate drainage. If you were able to stay 25' from the property line, drainage would not be an issue. There would be no variance to approve in either case. You would also need to be 25' feet away from any other structure.

There was discussion among the Board and the applicant regarding the location, proper setbacks, and drainage.

D. Darland mentioned that another solution to meet the 25' ft setback requirement would be construct a 24' X 50', 1200 sq ft. accessory building which may allow you to stay 25' ft from the back property line. There would be no approval for drainage.

The applicants were agreeable to the size suggestion.

D. Darland spoke, stating that the maximum peak or height of the building can be 17' feet. A loft, but not a second story, is allowed.

K. Sumner has offered to reposition and relocate the accessory building to comply with the Ordinance.

**J. Krueger made motion supported by D. Darland to deny** the 10' ft side yard setback variance as no hardship exists as set-forth in Section 18.10 (a), (b), and (c) of the Ordinance.

Roll Call Vote:

**Yes: W. Sinke, D. Darland, G. Brandt, J. Horen, J. Krueger**

No: None

Absent: None

**Motion to deny carried.**

The **second variance** relative to **K. Sumner of 3468 W. Pressler Drive** is to retain the existing 12' X 20' storage shed on the property until the construction of the new accessory building is completed.

J. Horen gave K. Sumner a copy of the authorization for temporary use. The form should be completed, a bond acquired, and turned into the Township.

K. Sumner notified the Board that another neighbor has purchased her current shed and it will be dismantled and removed upon completion of her new storage building.

K. Sumner inquired about the cost of the performance bond.

D. Darland stated that the Supervisor and Building Department determines the amount and term of the bond acquired. The amount and term of the bond will not be set by the Zoning Board of Appeals.

J. Horen remarked that he is aware the date of completion would need to be at least six (6) months before the one year performance bond expires.

**J. Horen made motion supported by W. Sinke to approve the variance** to retain the current 12' X 12' shed and on the condition that K. Sumner coordinate with the Township to complete the application and secure the appropriate performance bond for a term in accordance with the estimated completion date of the new accessory building replacement project.

Roll Call Vote:

**Yes: W. Sinke, D. Darland, G. Brandt, J. Horen, J. Krueger**

No: None

Absent: None

**Motion carried.**

The Board advised K. Sumner to make an appointment with the Township Supervisor, K. Malkin to complete the appropriate paperwork and obtain the details on securing the performance bond. The building permit will then be issued from the building department upon satisfaction of the above requirements.

### **Reports**

D. Darland reported that the Joint Meeting of the Zoning Board of Appeals, Planning Commission, Township Board, Building Department officials and professional support will be meeting on Wednesday, November 29<sup>th</sup> at 6:00 p.m. at the Township Hall to cover the revised Ordinance.

He reminded everyone that the Zoning Board of Appeals has taken considerable action on side and rear yard setbacks for accessory buildings in recent times and that part of the Ordinance may have to be reviewed.

J. Horen remarked he would like to see outside storage near or along side of an accessory building prohibited.

### **Communications**

J. Krueger acknowledged receipt of Communications.

Motion by G. Brandt supported by D. Darland to adjourn the meeting at 8:03 p.m.

Respectfully,

Joy Krueger  
Secretary

JK/blfp