

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS

November 21, 2019

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

Members present: J. Horen, J. Krueger, W. Sinke, A. Lyday, T. Miller
Members absent: G. Brandt
Others absent: None
Also in Attendance: R. Sheppard-Attorney, K. Malkin-Supervisor

The pledge of allegiance was recited by all present.

Motion by Sinke seconded by Miller to adopt the agenda as presented.

Motion carried.

Motion by Miller seconded by Krueger to approve the minutes of September 19, 2019 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.

Items for Consideration

Interpretation of Ordinance 67 section 16.05

09-100-036-400-055-02-Recombine 2 separate parcels

Maxi Automotive

5916 S. Two Mile Road

A. Recombine lots into single lot

B. Expand non-conforming lot

Horen read letter that was sent out to the neighbors of the Maxi Automotive, 5916 Two Mile Road, regarding recombining the two separate properties 09-100-036-400-055-02 and 09-100-036-400-055-01.

Hans Hellenberg, District Manager -Maxi Automotive Store Group, stated Maxi leases 5916 property and is interested in combining both properties, to create a larger warehouse.

Krueger asked the what the parcel was currently zoned.

Horen replied, "C1, commercial"

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Miller asked what Hellenberg's plans for the parcels are.

Hellenberg said his first option is to purchase the properties and has interest in combining the properties. He would like to add an additional building to combine two of the larger buildings.

Sheppard explained that this property is zoned commercial, the two warehouses that use to be under single ownership, that are now split and under separate ownership. If they had stayed under single ownership, they would be allowed to petition the Planning Commission for a special use permit to expand a non-conforming use. He explained that Ordinance 67 section 16.05, states you cannot expand a nonconforming use more than 50%.

Sheppard explained the Land Division Act of 1997.

Sheppard explained that the properties are nonconforming because Ordinance 67 does not allow warehousing in a commercial district.

Charles Athair, 5912 Two Mile, asked where the proposed addition would be set. He reminded the Board of their promise, that no buildings would be built closer to Two Mile Road.

Joe Mulders questioned why this issue was at the Zoning Board of Appeals and not at the Planning Commission.

Sheppard explained that it is not the combination, it is the ability to apply for a Special Use permit on the now combined parcel.

Horen asked what was the proposed business plan.

Hellenburg said the business is an automotive parts distribution business that operates between 8 a.m. and 6 p.m.

Motion by Miller, supported by Sinke to interpret Chapter 16.05 of the zoning ordinance to allow recombination of two parcels into a single building lot under single ownership for purpose of seeking a special use permit to expand a nonconforming use.

Roll call vote:

Yes: Sinke, Krueger, Miller, Lyday

No: Horen

Absent: Brandt

Motion carried

09-100-037-100-650-01-Expand a non-conforming parcel

Serenus Johnson
5178 Kasemeyer

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Horen read the Serenus Johnson letter for the interpretation of Ordinance 67 section 16.05.

Serenus Johnson would like to acquire a twenty (20) acres parcel adjacent to their current parcel for expansion of their business.

Sheppard explained the zoning history of Serenus Johnson and surrounding property.

Miller asked Sheppard to explain the precedence setting of section 16.05.

Sheppard explained the benefits and spoke of the disadvantages.

Discussion followed.

Motion by Miller, supported by Lyday to interpret 16.05 of the Zoning Ordinance, to authorize the Planning Commission, to approve/deny Serenus Johnson to expand a nonconforming parcel as specific to this (40-year-old community business) unique circumstance and limited per ordinance to 50% of the existing nonconforming parcel, serially or cumulatively for a total addition of 1.3 acres to the West.

Roll call vote:

Yes: Horen, Sinke, Krueger, Miller, Lyday

No: None

Absent: Brandt

Motion carried

09-100-W16-000-026-00-Accessory Building

Pergande

5291 Stillwater

Horen read the letter sent out to neighbors of Pergande, 5291 Stillwater.

Sheppard discussed his letter that he sent to the property owners and discussed the ten (10) feet covenant easement of Willow Creek #2.

Horen mentioned the accessory buildings in the subdivision that do not comply with the covenant ten (10) feet easement.

Krueger discussed the definition of an easement.

Discussion continued.

Motion by Miller, supported Horen, in as much as the Pergande request for a setback of six (6) feet variance and is located at a corner lot in an easement. The accessory building is not a

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permanent structure and the applicant understands that rain events may despoil accessory contents and/or the cleaning of the easement, drain may result in the need to move the building. Under those conditions the variance is granted. This does not impact easement rights in subdivision documents.

Roll call vote:

Yes: Horen, Sinke, Krueger, Miller, Lyday

No: None

Absent: Brandt

Communications

J. Krueger acknowledged receipt of Communications.

Horen moved to adjourn.

Meeting was adjourned at 8:45p.m.

Respectfully submitted,

Joy Krueger
Secretary
JK/djp