

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS

April 18, 2019
As revised May 16, 2019

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

Members present: J. Horen, G. Brandt, W. Sinke , J. Krueger, A. Lyday
Members absent: None
Others absent: None
Also in Attendance: Carolyn Kraska, Ron Kraska

The pledge of allegiance was recited by all present.

Motion by Brandt, seconded by Horen to adopt the agenda as presented.

Motion carried.

Motion by Sinke, seconded by Lyday to approve the minutes of March 21, 2019 regular meeting.

Motion carried.

Public Input

Public input was opened and closed at 7:05pm with no one present from the public wishing to speak.

Items for Consideration

Carolyn Kraska, 2796 Tupper Drive, non-conforming lot Parcel ID 09-100-T05-006-01

C. Kraska wants to remove the current ~~manufactured~~ house and replace it with a newer manufactured house.

J. Horen read aloud the letter that was sent out to the surrounding property owners in regard to C. Kraska requesting a four (4) foot width variance.

For the record, Krueger asked C. Kraska if her property had both water and sewer? Her answer was yes. (Section 8.04 d)

Krueger stated the lot size is 56 feet frontage by 165 feet deep which equals 9240 square feet. Property in R-3 zoning requires a minimum lot size of 8000 square feet. (Section 8.04d) And 75% of the 80 feet width frontage is 60 feet. Therefore, a four (4) foot variance is required. (Section 8.04g)

Discussion followed regarding when the lot was split. C. Kraska informed the ZBA that it was that way for fifty three (53) years, ever since she has owned the property.

G. Brandt questioned why a variance would be needed since it is a lot of record and a buildable lot, since all the setbacks have been met.

G. Brandt questioned why the property is zoned R-3.

G. Brandt feels that the Planning Commission needs to look at the R-3 zoning for this area. He disagrees with this area being zoned R-3.

Discussion continued regarding side yard setbacks. Ending the discussion, all setbacks shall be met. The property is a lot of record and the new ~~manufactured~~ house is not a detriment to the neighborhood but an improvement.

J. Krueger said the ZBA needs to observe Section 16.01 referring to nonconforming uses, building structures or parcels.

W. Sinke said this lot was split over 53 year ago, the ZBA is in no position to discuss the lot split.

W. Sinke also commented that you cannot make a law ex post facto.

J. Horen also stated that the current house has to be completely removed before the new home is erected.

Motion by Sinke, seconded by G. Brandt to approve a four (4) foot width variance for 2796 Tupper Drive.

18.10(a) The liberal enforcement of this ordinance would cause undue hardship because of the narrowness of the lot. It is an established lot of record and meets all the required setbacks.

18.10(b) The spirit of this ordinance shall be observed and public safety is not an issue. The current resident needs to be updated which constitutes a hardship.

18.10(c) This property is an established lot of record with fifty six (56) foot wide frontage located in R-3 zoning district is not so general or reoccurring in nature.

Roll call vote:

Yes: W. Sinke, G. Brandt, A. Lyday, J. Krueger, J. Horen

No: None

Absent: None

Motion Carried

Motion by J. Horen supported G. Brandt to adjourn.

Motion carried.

Meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Joy Krueger
Secretary

JK/djp