

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
April 20, 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, J. Krueger
Members Absent: None
Also Present: J. Wildeboer, Alternate Member
Also in Attendance: See Sign-In Sheet

The Pledge of Allegiance was recited by those present.

Motion by J. Krueger, seconded by Brandt to adopt the agenda as presented.
Motion carried.

Motion by J. Horen, seconded by W. Sinke to approve the minutes of February 16, 2017 as presented.
Motion carried.

The Zoning Board of Appeals welcomed Jean Wildeboer the Township Board of Trustees newly appointed Alternate Member.

Public Input

Public input was opened and closed at 7:06 p.m. with no one from the public wishing to speak.

New Business

Frazer, David C. 09-100-007-200-140-02 393 Ott Road Side Yard Set Back Variance

J. Horen read aloud the public notice in reference to Mr. Frazer's request for a side yard setback variance of seven (7') ft in the rear yard, on the west side of the property line in order to construct a 16 X 32 ft (512 sq ft) accessory building. Due to the location of his septic drain field, Mr. Frazer is currently unable to comply with Monitor Township Ordinance 52, Chapter III, Section 3.26, which requires him to maintain a minimum side yard setback of fifteen (15') feet.

D. Darland addressed Mr. Frazer inquiring about the submitted measurements of both the home and garage. Based on the proper measurements of the modular home 24' X 60' (1,440 sq ft), and taking into consideration 90% of the floor area, the current regulations allow for a maximum of a 1,296 sq ft. accessory building. The existing garage is considered attached as it is 6 ft from the house. Mr. Frazer stated that he has a lift station drain field which was required when built, and he had his property recently surveyed in order to correctly stake the location of boundary lines and other lines of occupancy. Mr. Frazer's intent is to get rid of the two existing movable sheds already on the property, 8' X 10' and 10' X 12". Water will not intrude on the neighbor's property as their lots are much higher than his. Krueger commented, stating that the Frazer's could not move the proposed building to the east side since the septic field is raised. Mr. Frazer

stated that the height will be determined by the building inspector if approved. J. Horen discussed the 12” eaves as they should be considered in variance measurements.

D. Darland made a motion to approve the side yard setback variance of seven (7’) feet (from the shed eaves) on the west side of parcel in order to construct a 16’ X 32’ accessory building and remove existing sheds on the property on or before completion of the new building. 18.10 (a) is met in that the parcel is a .6 acre parcel with the septic field located in the center of the back yard; 18.10 (b) is satisfied as the spirit of the Ordinance is met; 18.10 (c) is met in that the situation is not so general or recurrent in nature to require a change to the general Ordinance. G. Brandt supported.

Roll Call Vote:

Yes: Krueger, Brandt, Sinke, Darland, Horen

No:

Absent:

Motion carried 5-0 to approve.

Affidavit of Correction: Harrington, Keith, 4853 Baxman 09-100-024-400-340-04 August. 18, 2016

J. Horen read the letter and affidavit from Township Attorney Richard C. Sheppard, Smith & Brooker, P.C., regarding Mr. Harrington’s attachment of garage via addition of a breezeway during construction of his home addition. This matter is a previously approved variance that is from August of 2016 and is been placed on agenda to further clarify the approval.

Motion by D. Darland, supported by W. Sinke, to accept the **Affidavit of Correction** as the attachment of the house to the garage via a breezeway was discussed, is permissible, and directly relates to variance previously approved during the **August 18, 2016** Zoning Board of Appeals meeting.

Roll Call Vote:

Yes: Krueger, Sinke, Darland, Horen

No:

Absent:

Abstain: Brandt

Motion carried.

J. Horen signed the original **Affidavit of Correction**.

Temporary or Conditional Variances

With permission from Chairman Horen, K. Malkin, Township, Township Supervisor, addressed the Board regarding the current resident bonding situations. K. Malkin, Supervisor presented a document which communicates the Township need for a procedure to issue temporary or conditional variances. If and when a conditional variance is allowed, in addition to requiring a bond, a minimum of six (6) month time limit for completion of the work prior to the expiration of the bond would be required. This document would also allow the Township an easement to enter the property to fulfill the conditions. After much discussion regarding current and recommended bonding conditions, the Board expressed their approval and support of the conditions listed in the document. K. Malkin believes the form can also be used for other purposes to assure compliance with Planning Commission Special Use Approval, Site Plans, etc. This document doesn’t require revision of the

Ordinance and only requires the Zoning Board of Appeals to notify the applicant that they will be required to sign a Temporary or Conditional Variance Form, prepare a bond, if applicable, when making application for permit at the Township.

Communications

J. Horen moved to accept Communications, D. Darland supported.

Motion Carried.

There being no further business to discuss, J. Horen made a motion to adjourn, D. Darland supported.

Motion Carried.

The meeting was adjourned at 8:17 p.m.

Respectfully,

Joy Krueger
Secretary
Zoning Board of Appeals