

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS

September 19, 2019

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

Members present: J. Horen, T. Miller, G. Brandt, W. Sinke and J. Krueger, A. Lyday, alternate
Members absent: None
Others absent: None
Also in Attendance: Jeff Tithof, Kerri Haugh, Dave Haugh, Aron Petrosky, Ted Jezewski, Ken Malkin-Supervisor, Rich Sheppard-Attorney

The pledge of allegiance was recited by all present.

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

Motion carried.

Motion by Miller, seconded by Krueger to approve the minutes of August 15, 2019 regular meeting as presented.

Motion carried.

Public Input

Public input was opened and closed at 7:03 p.m. with no one present from the public wishing to speak.

Items for Consideration

09-100-024-400-340-04
Tithof Construction-Jeff Tithof
4853 Baxman

Horen read the letter sent out to neighboring property owner for consideration for a variance of property located at 4853 Baxman for a twenty (20) foot variance for the proposed home addition and an accessory building.

J. Tithof, Tithof Construction, stated that a small roof area would be put over the back porch door.

Malkin asked for clarification on whether we measure from wall to wall or from overhang to overhang.

Sheppard discussed the planning commission interpretation.

Horen read the September 10, 2019 Planning Commission interpretation:

“Motion by Frank supported by Bellor to interpret 3.27 & 3.29 as follows: An eighteen (18) inch overhang, or less, measurement is from foundation to foundation from other buildings. If the overhang is eighteen (18) inches or more, measurement is from eve to eve from other buildings. Motion carried”

Motion by Miller, supported by Sinke to adopt the Planning Commission interpretation of Ordinance 67, Section 3.27 & 3.29.

Roll call vote:

Yes: Horen, Brandt, Sinke, Krueger, Miller

No: None

Absent: None

Motion carried

Krueger asked the question of the overhang over the back door. Tithof said 42 inches for the door overhang would be acceptable therefore asking for a fourteen (14) feet, two (2) inch variance.

Krueger read her statement:

“During the 2016 Harrington variance request regarding the 4853 Baxman Road property, a letter from Brian Allard, Project Coordinator with Consumers Energy was presented. It stated: “that due to the transmission line in front of your home we can not have you building any closer to that line.”

So today in 2019, Dave and Kerri Haugh have the very same problem on the same property. The only difference is the Dave and Kerri want an additional attached garage which qualifies under zoning and in fact a building permit was issued.

In 2016, ZBA approved an eleven (11) foot, eight (8) inch variance with certain conditions. In both cases, the required distance is twenty-five (25) feet and we know the reason for the twenty-five (25) feet is the safety fire issue.

In section 18:10 A, extraordinary situation is discussed. It also stated that: “the literal enforcement of the Ordinance would involve practical difficulties or would cause undue hardship.” The fact is that the 4853 Baxman Road property can not be added onto in any other direction but east or to the back of the house because of setbacks and the Consumers’ easement. This causes hardship.

18:10 B “Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance be observed, public safety secured and substantial justice is done.” In this case, there is definitely practical difficulty.

18:10 C The reoccurrence of the utility easement is not a township wide issue.”

The Zoning Board of Appeals member discussed the distance between the two buildings.

Miller discussed the fire concern on such a large variance.

R. Sheppard discussed the fire code issue regarding a fire wall.

It was decided among the ZBA members, that a fire wall be placed into the motion.

Motion by Krueger, supported by Brandt, section 18.10 A, B & C are met, move to approve the fourteen (14) feet, two (2) inch variance, with the condition that the accessory structure have fire rated walls anywhere within 25 feet of the residential structure.

Roll call vote:

Yes: Horen, Brandt, Krueger, Sinke, Miller

No: None

Absent: None

Motion carried

R. Sheppard told the Zoning Board of Appeals that he has made a referral for the Zoning Board of Appeals, to make an interpretation on recombining lots for purposes of non-conforming use. Maxi Muffler warehouse on Two Mile Road, had two (2) buildings on it, it was then split after 1997. They want to recombine the buildings and put an addition on to reconnect the two warehouses.

Communications

Motion by Miller to acknowledge receipt of Communications.

Motion carried.

Motion by Horen to adjourn.

Motion carried.

Meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Joy Krueger
Secretary
JK/djp