

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
October 15, 2020

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

Members present: J. Horen, J. Kruger, A. Lyday, C. Schweitzer, G. Brandt, D. Zube
(Alternate)
Members absent: None
Also present: R. Sheppard-Attorney, K. Malkin, Supervisor, Rodger and Carol
Rosatycki, Jim and Brian Mindykowski

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

**Motion by Schweitzer, seconded by Lyday to approve the minutes of August 20,
2020 as presented.**
Motion carried.

Public Input

Public input was opened and closed at 7:02 p.m. with no other public wishing to speak.

Items for Consideration

Public Hearing

09-100-017-400-060-00
4370 Fraser Road
Rodger Roszatycki
Sidewall height variance

Horen read the letter sent out to the neighbors of the Roszatycki's located at 4370 Fraser Road, regarding the sidewall height variance for the proposed accessory building. Roszatycki is seeking a two (2) foot sidewall height variance.

Rodger Roszatycki stated that he submitted the spec sheet to the building department from the Midwest Manufacturing package he purchased when he applied for the building permit. He said he called Dave DeGrow, Monitor Township building inspector for a rough in inspection on July 24, 2020. Dave DeGrow came out to inspect the first post with pads that had been installed. The post was standing in the hole at the time of inspection and DeGrow said everything looked good and to continue. On July 30, 2020 he texted DeGrow to have the rough in inspection done and DeGrow stated he would stop over on July 31, 2020. DeGrow never showed up. At that time, construction was halted.

Roszatycki said on August 2, 2020 David Rochow, Zoning Administrator arrived to inspect the building. It was at this time that he was informed the sidewalls were too high. Rochow told Roszatycki to stop construction immediately.

Roszatycki went on to explain that the trusses are installed and the metal roof had been completed.

Roszatycki apologized for the confusion and thanked the Township for their help.

R. Sheppard explained there is a 1967 Michigan Supreme Court case that states if a Township grants a building permit, the property owner can rely on a permit, can rely on inspections and can rely on violation of the ordinance. The ordinance has to be enforced before the structure is built.

Horen asked if there was any public comment. There was no one wishing to speak.

Schweitzer stated that the peaks meet the ordinance, but the sidewalls are in violation.

Brandt moved with no member support, that the Zoning Board of Appeals grant the height variance of two feet because the Township overlooked the height issue when the permit was issued.

Discussion continued among members.

Motion by Krueger, supported by Schweitzer to approve the two (2) foot sidewall variance.

18.1(a) An extraordinary circumstance because the permit was issued by the Township

18.1(b) Practical difficulty because the metal roof would have to be scraped

18.1(c) Hopefully not reoccurring

Roll call vote:

Yes: Horen, Krueger, Schweitzer, Lyday, Brandt

No: None

Absent: None

Motion carried

Public Hearing

09-100-037-100-590-00

3232 Haberland

Brian Mindykowski

Covered front porch variance

Horen read the letter sent out to the adjacent property owners.

Horen also read two (2) letters sent to the Township by neighbors in favor of the improvement by C. Haberland, 3206 Haberland and Mike Crites 3219 Haberland.

Brian Mindykowski is seeking a five (5) foot variance for his covered front porch.

Krueger pointed out that the only thing in question is the roof.

Sheppard explained, per the ordinance a covered porch counts as a structure.

Horen stated that there is no hinderance to the clear vision corner.

Discussion continued among the members.

Motion by Krueger, supported by Lyday to grant the five (5) foot variance for the covered porch.

18.1(a) The narrowness of the front yard and the age of the subdivision

18.2(b) Practical difficulty; roof was built to make the porch safer

18.1(c) Not so general or recurrent in nature

Roll call vote:

Yes: Horen, Krueger, Schweitzer, Lyday, Brandt

No: None

Absent: None

Motion carried

Communication received

Motion by Horen supported by Brandt to adjourn.

Motion carried.

The meeting was adjourned at 8:05 p.m.

Respectfully,

Joy Krueger
Secretary
Jk/djp