

CHARTER TOWNSHIP OF MONITOR  
ZONING BOARD OF APPEALS  
July 15, 2021

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

Members present: J. Horen, J. Kruger, A. Lyday, C. Schweitzer,  
D. Zube  
Members absent: G. Brandt (excused)  
Also present: R. Sheppard-Attorney

**Motion by Krueger, seconded by Zube to adopt the agenda as presented.**  
Motion carried.

**Motion by Zube, seconded by Schweitzer to approve the minutes of May 20, 2021 as presented.**  
Motion carried.

**Public Input**

Public input was opened at 7:03 p.m. Lowell Horneber asked the members why there is a 40-foot building setback in the Monitor Township Ordinance.

Horen stated the 40 foot gives the neighbors a bit of space. It may offer a place to store a boat or trailer, etc.

Sheppard explained the space is also for the fire department to use in case of a fire. Sheppard discussed accessory buildings, swimming pools, septic issues and water run off on neighboring properties.

Krueger said that the Township Ordinance has evolved over the years. The new ordinance is approximately two (2) years old, and is designed to protect neighbors from each other.

Horen closed public comment at 7:12 p.m.

**Items for Consideration**

09-100-013-200-010-11  
2864 E. Wilder Road  
Setback variance

Horen read the letter sent out to adjoining property owners. The applicant is seeking a variance from Ordinance 67 Section 9.05(b) (3) to allow this intrusion into the required side yard setback as established in that section for the ordinance.

Sheppard explained that if a variance is granted, Menards would still have to go before Planning Commission for final approval, regarding the need for additional parking, due to expansion.

Dennis Banaszak, D&M Sites, representing Menards, was present.

Horen asked Banaszak if Menards still owns the property to the west.

Banaszak answered, “Yes”

Banaszak explained that the reason for this variance request is to speed up the in and out process of the outside loading area.

Krueger asked Banaszak what is the hardship for Menards.

Banaszak responded, “To eliminate one employee”

Banaszak stated that since Consumers Energy easement is to the east, it won’t affect the neighboring parcel.

Krueger questioned a self-imposed hardship.

Schweitzer agreed with the self-imposed hardship.

Lengthy discussion among Commission members continued.

Krueger stated that Menards with a total of 8.54 acres, is creating their own hardship. She pointed out that financial loss is not a hardship.

Krueger explained the Zoning Board of Appeals can find no hardship with the requested variance and it appears to be a self-imposed hardship. Property is available on the west side of Menards, where the third entrance lane could be constructed.

**Motion** by Krueger, supported by Schweitzer to deny the variance request because no hardship was found in Section 18.10 A, B & C. At this time the request, it is a self-imposed hardship.

**Roll call vote:**

**Yes: Krueger, Horen, Zube, Lyday, Schweitzer**

No: None

Absent: Brandt

**Motion carried to deny variance**

**Items for Consideration**

09-100-W17-000-066-00

5279 Brook Hollow

Rear yard setback

Horen read the letter sent out to adjoining property owners. The applicant is seeking a six foot rear yard setback, to allow a proposed covered porch.

Sheppard explained, Ordinance 67, Section 6.05(c) requires a 40-foot rear yard setback.

Horen reviewed letters that the Township received from three (3) neighbors to 5279 Brook Hollow, that stated support and approval for the proposed covered porch.

Sheppard discussed the special assessment drainage issue in the subdivision.

The committee members discussed Ordinance 67 section 18:10 (c), which refers to “general and recurrent in nature” regarding other parcels within the subdivision.

Zube asked about the water run-off.

Sheppard stated that the short rear yards in that subdivision, creates problems that Zoning Board of Appeals will be up against in the future.

**Motion** by Zube, supported by Schweitzer to table and adjourn the hearing, until a joint meeting with Zoning Board of Appeals, Planning Commission and the Township Board can meet to discuss a proposal of an open-air overhang addition/revision to Ordinance 67.

**Roll call vote:**

**Yes: Krueger, Horen, Zube, Lyday, Schweitzer**

No: None

Absent: Brandt

**Motion carried**

Schweitzer gave an update on Planning Commission.

**Zube accepted Communications.**

**Motion by Horen supported by Lyday to adjourn.**

**Motion carried.**

The meeting was adjourned at 8:45 p.m.

Respectfully,

Joy Krueger  
Secretary  
Jk/djp