

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
September 16, 2021

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
Members absent: D. Zube-alternate
Also present: Charles Hewitt-Attorney, Rodney Tacey, Amy Shabluk

The Pledge of Allegiance was recited by those present.

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

Motion by Brandt, seconded by Lyday to approve the minutes of July 15, 2021 as presented.
Motion carried.

Public Input

Chairman Horen opened and closed public comment at 7:02 pm, with no one wishing to speak.

Items for Consideration

09-100-036-200-060

2868 E. Salzburg

Accessory building side and rear yard setback, size variance

Rodney Tacey

Horen read the letter sent out to surrounding property owners set out for the property at 2868 Salzburg, owned by Rodney Tacey.

Tacey is requesting a west property line set back of 10 feet and a south property line variance of 12 foot, and four (4) foot-six (6) inch variance from his home.

Horen read the letter from Kathy Cozad Trustee for the adjoining property, both to the west and also to the south of Tacey's property. Cozad wrote "Clearly they have not met (the requirements of Ordinance 67-section 18.10 (a)(b) & (c) and, accordingly, the Request for Variances should be denied on their face." Horen told the members, Cozad's letter will be retained in the permanent file for Tacey's variance request.

Tacey explained the reason for the proposed building was to store his lawn mower and boat.

Krueger stated for the record:

1. "The Zoning Board of Appeals task (job) is to interpret the Monitor Township Zoning Ordinance 67. We are not allowed to re-write the ordinance as we see fit. Section 2.56(a) defines a lot area as: "The total area encompassed within the lines of a parcel of piece of property excluding street or road right of way and any vehicular access easements."
2. "That clear interpretation of a lot means that the lot size at 2868 Salzburg is 136-foot frontage and 168-foot depth minus the road right of way of 33 foot by 136 foot. This equates to a total of 18,360 square foot which is .42 of an acre. That is a fact and we cannot change it."
3. "Therefore, the property at 2868 Salzburg falls into line two (2) of the chart in section 3.27 of the ordinance. Line two (2) allows a residential accessory building to be a maximum of 800 square feet with a 15-foot peak, 10-foot sidewalls, a minimum of 15-foot setbacks on both the rear and side yard as long as a proper storm water drainage system is installed and maintained, and also requiring the accessory building to be 20 feet from the principal residence. The accessory building can only be a maximum of 75% of the swelling floor plan. This is also a fact."
4. "The Zoning Board of Appeals cannot change the facts and we cannot change the ordinance, but are allowed to grant a variance only if Section 18.10 (a, b, and c) are met."

Lyday asked Tacey to address his existing hardship.

Tacey responded that he cannot move his house to the east and that creates a hardship.

Krueger discussed the lot size being 136 foot by 168 foot, which is a standard size.

Horen asked Tacey when he purchased his property.

Tacey replied, "2013"

Schweitzer discussed the 1200 square foot accessory building vs. an 800 square foot accessory building.

Horen asked Tacey if he has tried to purchase property adjoining the property to the south.

Tacey said it may be an option.

Charles Hewitt, Attorney addressed the board. He stated there is not sufficient hardship to grant the variance request.

Schweitzer, Brandt and Krueger stated there are too many variables to consider with the variance request. The variance cannot be granted because:

- Size
- Setbacks
- Height
- Distance between the main residence and the proposed accessory building, does not conform to fire code.

Motion by Schweitzer, supported by Brandt to deny the request for the variance because section 18.10 (a)(b) & (c) of Ordinance 67 cannot be satisfied.

Roll call vote:

Yes: Krueger, Horen, Brandt, Lyday, Schweitzer

No: None

Absent: None

Motion carried

Horen accepted Communications.

Motion by Horen supported by Schweitzer to adjourn.

Motion carried.

The meeting was adjourned at 8:01 p.m.

Respectfully,

Joy Krueger
Secretary
Jk/djp