

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
October 21, 2021

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

Members present: J. Horen, J. Kruger, A. Lyday, C. Schweitzer
Members absent: G. Brandt, D. Zube-alternate
Also present: Justin Ebel-Attorney, Connie Quade

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 Horen, seconded by Schweitzer to approve the minutes of September 16, 2021 as presented.
Motion carried.

Public Input

Chairman Horen opened and closed public comment at 7:01 pm, with no one wishing to speak.

Horen asked Quade if she wanted to go through with the four board members present.

Quade replied, "Yes"

Items for Consideration

09-100-010-100-010-01
3733 S. Mackinaw
Setback Variance
Connie Quade

Horen read the letter sent to neighbors of Quade, 3733 Mackinaw requesting a 37.1-foot variance.

Quade explained when the parcel was first split, the survey was done incorrectly. As it stands today, she does not own her septic field. This is the reason for the requested variance.

Horen discussed side yard setbacks.

Discussion continued among the members.

Krueger explained the following:

Section 18.10 states: “Where there are practical difficulties or unnecessary hardship in carrying out the strick letter of this of this Ordinance, the Zoning board of Appeals shall have the power to vary or modify any of the provisions so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Zoning Board of Appeals may grant such variances only upon finding that all of the following conditions exist.”

18.10(a) Discusses exceptional narrowness and shallowness of the lot and the adjoining property being owned by a relative.

The situation is quite unusual. Quade was given this property by her parents in 1975 or 1976. They started building the home in 1976 and obviously the people, involved thought that (what we call the enhancement parcel) was the original lot because the septic, driveway 24 x 24 garage and small shed were placed on the enhanced parcel.

Krueger said believes that the clause in 18.10(a) which states “or other extraordinary situation of the land or structure or of the use of property applies in this case.

18.10(b) the practical difficulty or unnecessary hardship applies. A variance is required in order to ensure that the spirit of this Ordinance is observed.

18.10(c) discusses that variances being sought are not so general or recurrent in nature. Quade’s situation is unique and not general or recurrent in nature.

Krueger continued that the Scheurlein’s gifted Quade a piece of property adjoining their large pole barn. Any farmer straightens out their fields so they don’t have to farm a small cut out area. The enhancement parcel of 63 foot was Scheurlein’s attempt to square up his property. “The space available between the pole barn and the enhancement property boundary line is very limited. Even though I, (Krueger) prefer to have the proper setback between large pole barns and the neighbors’ property line, I make a motion that we approve the variance requested, since hardship exist and 18.10 (a, b, c) are satisfied.”

Horen added that the variance would also bring the residential lot from non-conforming to conforming. (Referring to both side yard setbacks)

Motion by Krueger supported by Schweitzer to approve the request for the variance because section 18.10 (a)(b) & (c) of Ordinance 67 are satisfied.

Roll call vote:

Yes: Krueger, Horen, Lyday, Schweitzer

No: None

Absent: Brandt

Motion carried

Horen accepted Communications.

Schweitzer discussed Planning Commission proposed changes to the ordinance.

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

The meeting was adjourned at 7:41 p.m.
Respectfully,

Joy Krueger
Secretary
Jk/djp