

CHARTER TOWNSHIP OF MONITOR  
ZONING BOARD OF APPEALS  
MARCH 17, 2022

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, Todd Sutton, Jane and Jeff Klender

The Pledge of Allegiance was recited by those present.

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

Motion unanimously carried

**Motion by Schweitzer, seconded by Lyday to approve the minutes of November 17, 2021 with correction on page 5 change from precedence to *precedent*.**

Motion unanimously carried.

**Election of Officers**

Nominations were opened for Chair, Vice-Chair and Secretary

**Motion by Brandt, supported by Schweitzer to nominate Horen for **Chair** for 2022**

**Motion carried by unanimous vote.**

**Motion by Brandt, supported by Horen to nominate Lyday for **Vice-Chair** for 2022**

**Motion carried by unanimous vote.**

**Motion by Schweitzer, supported by Horen to nominate Krueger for **Secretary** for 2022**

**Motion carried by unanimous vote.**

Nominations closed. The offices elected accepted their respective offices and thereafter Horen presided at the meeting as Chairman, Lyday as Vice Chair and Krueger acted as Secretary of the meeting.

**Public Input**

Public input was opened and closed at 7:05 p.m. with no one present from the public wishing to speak.

**Items for Consideration**

Public Hearing

09-100-023-100-240-06

4537 S. Four Mile

Todd Sutton  
Land Division Variance

Horen read the public hearing letter sent out to adjoining property owners.

Two letters of objection were sent to the zoning members from Jane and Jeff Klender dated February 28, 2022 and Brad and Mary Sullivan dated March 7, 2022. The letters were read by Sheppard and Horen, which explained in detail why they object to the variance request.

A review of the variance request from Kibbe & Associates, Jay Wheeler-Engineer, dated March 10, 2022 was read to the members by Horen.

Todd Sutton presented his request. He submitted a list of neighbors that he said did not object to the variance request. Sutton claimed he has always followed the rules and is not trying to do anything illegal.

Sutton asked about the word, “contiguous”

Sheppard responded with the explanation of contiguous frontage.

Krueger asked about the encompassed powerline easement.

Krueger asked if the 30-foot easement could be used for contiguous frontage?

Sheppard replied, “Yes”

A Township letter to the prosecutor dated January 15, 1993 was discussed as well as the Rosenbury Quit Claim Deed, dated May 25, 1993.

Klender expressed his concerns for the variance request. He cautioned the members in regard to setting precedent if the variance is granted.

Discussion continued.

Klender discussed the tappan clay issues in Monitor Township.

Krueger read the purpose Section II from the Monitor Township land division ordinance H-50. This ordinance was created to establish reasonable standards.

Horen discussed 18.10 (a) (b) (c) of ordinance 67. Horen was unable to find a hardship for the requested variance.

**Motion** by Schweitzer, supported by Brandt, to deny the variance based on Ordinance 67, section 2.56 describes a lot as a piece or parcel of land having contiguous frontage on a public throughfare. Section 2.56 (a) page 2-12 of the same ordinance excludes street

right of way and any vehicular access easements. The table of dimensional standards section 4.05 requires 165 foot of lot frontage for AG residential property with water only. The land division ordinance of Monitor Township adopted January 28, 2002 state the purpose which is:

**Section II-Purpose**

The purpose of this Ordinance is to carry out the provisions of Michigan Land Division Act (1966 PA 288, as amended, formerly know as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

The area at Four mile and N. Union, north of the railroad tracks certainly does not seem to be an orderly development of our community.

Granting a width variance to the Suttons and allowing the development of another lot would create a welfare issue to adjoining property owners.

When the Suttons sold parcels 240-07 and 240-08, a self-imposed hardship was created.

Section 18.10 (a) talks about variances being asked for that are not so general or recurrent in nature. Monitor Township has many properties with homes being set far back off the road. If the Sutton variance is granted, that would set a precedent that the Township would not recover from.

Therefore, the variance should be denied, because 18.10 (a) (b) and (c) cannot be met.

**Roll call vote:**

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

No: None

Absent: None

**Motion carried to deny.**

Sutton asked if he could have chickens

Sheppard replied, “No, you do not have enough property.”

Klender thanked the members for the service they provide.

**Communications received**

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

**Motion unanimously carried.**

The meeting was adjourned at 8:27 p.m.

Respectfully,

Joy Krueger  
Secretary  
Jk/djp