

CHARTER TOWNSHIP OF MONITOR  
ZONING BOARD OF APPEALS  
JUNE 15, 2023

The meeting was called to order by Vice Chairperson Lyday at 7:00 p.m.

Members present: J. Kruger, A. Lyday, G. Brandt, C. Schweitzer  
Members absent: J. Horen, D. Zube (Alternate)  
Also present: R. Sheppard-Attorney, D. Rochow, D DeGrow, Taylor Cox,  
Ashley Fleming, Frank & Michelle Flemming, Bill Culhane.

The Pledge of Allegiance of the United States of America was recited by those present.

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

**Motion by Krueger, seconded by Brandt to approve the minutes of March 16, 2023.  
Motion unanimously carried.**

**Public Input**

Public input opened at 7:01 p.m.

D. DeGrow discussed section 3.29(c) in regards to the 18” deck height which would not allow decks around pools or second floor rooms. He is asking the Planning Commission to review the issue.

D. DeGrow also discussed the situation with Taylor Cox and their need for a taller deck.

Public input closed at 7:10 p.m.

**Items for Consideration**

**09-100-M06-000-151-00**

**Taylor A. Cox**

**Variance of Section 3.29(c) Yard Requirements  
& Section 8.05 Rear Setbacks**

Taylor Cox asked for a refund on the variance request, stating that he had been informed by the building department that he could tear down the existing deck prior to his knowledge of needing to attend ZBA for a variance.

Brandt responded, stating that any refunds are handled by the Township Board, not ZBA.

Lyday read the Notice of Public Hearing letter sent to the neighbors of Taylor Cox.

Lyday read an email from Dave Lytle at 5181 Reinhardt Ln stating that he is in favor of the acceptance of the variance requests.

Taylor Cox discussed how their basement had flooded and in order to replace the damage, the ground needed recovering underneath the deck. It was then necessary to replace the deck.

Sheppard verified the height variance they are requesting.

Discussion continues about the exact height that Taylor Cox is requesting.

All ZBA members agreed they are actually requesting a 32” variance for a total deck height of 50”; not 72” for a total deck height of 90” as originally requested. The deck shall remain level from the house to the opposite side.

Krueger stated the 30’ required rear yard setback cannot be accomplished because the current 22’ rear yard setback was grandfathered in.

Krueger cited section 18.10(a) that states, “The literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship.”

Krueger discussed that if we do not allow a taller deck, Taylor Cox would have a major hardship using the rear door of the house.

Krueger also cited section 18.10(b) that states, “...the spirit of the ordinance, public safety secured, and substantial justice done.”

Krueger discussed that there is difficult and unnecessary hardship.

Krueger references section 18.10 (c) and states that this variance is not so general in nature because Monitor Township does not have an abundance of bi-level homes nor do we have 22’ rear yard setbacks.

Sheppard mentioned that justification is needed as to how far out the deck is allowed to be with a 22’ rear yard setback.

Cox stated that the deck would not intrude more than 10’ into the rear yard.

Sheppard stated the variance for the rear yard setback is not required because section 3.29(c) allows for the 10’ rear yard intrusion by an uncovered deck.

Public input opened.

Public input closed with no comment.

**Motion by Brandt, seconded by Schweitzer to approve the height variance.**

**Roll call vote:**

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

**No: None**

**Motion carried.**

**Old Business**

09-100-013-200-010-11

Menards-Taco Bell

Section 3.14 Interpretation Ord 67

Sheppard discussed how the interpretation issue regarding the 100' of continuous frontage requirement is now a non-issue on the Menards/Taco Bell property because of the transfer of the easement property to the Bay County Road Commission through a Quit Claim Deed.

Sheppard explained that the issue is now compliant with the 100' of continuous frontage and is now out of the hands of ZBA.

**Motion by Schweitzer seconded by Lyday to remove the issue from Zoning Board of Appeals.**

**Roll call vote: All yes**

**Communications**

Schweitzer acknowledged that we received communications.

**Motion by Schweitzer, seconded by Lyday to adjourn.**

**Motion carried.**

Respectfully,

Joy Krueger

Secretary

Jk/jjh