

CHARTER TOWNSHIP OF MONITOR  
ZONING BOARD OF APPEALS  
April 18, 2024

The meeting was called to order by Chairman Horen at 6:30 p.m.

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

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

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

**Motion by Zube, seconded by Lyday to approve the minutes of March 21, 2024,  
meeting.  
Motion unanimously carried.**

**Public Input**

Public input was opened at 6:35 p.m.

Randy Treichel, 2303 East North Union addressed the members to ask for an extension of his variance that was granted over sixteen (16) months prior. The variance was granted, November 17, 2022.

Sheppard advised him that he would have to contact the office and reapply since it is over the allotted time frame. (Ordinance 67 section 18.09 Time limit on variances)

Horen closed public input at 6:38 pm.

**Items for Consideration**

09-100-001-400-110-00  
2835 Tupper Dr  
Accessory building setback variances  
Zachary Eichman

Horen read the letter sent out to the adjoining property owners requesting the variances for a 30 x 40-foot proposed accessory building.

Eichman is requesting two variances, side yard and rear yard setback.

Krueger asked about septic vs. sewer.

Eichman told the members he has a sewer.

Eichman is asking for the variances to preserve the apple tree in the backyard.

Discussion among the members continued.

Eichman and the members discussed driveway access, building size and the apple tree.

Zoning Board of Appeals members tired to find a hardship.

Members determined that 18.10 (a) (b) and (c) conditions could not be met.

Public input was opened.

F. Rochow, Monitor Township Zoning, stated that the township never allowed this size building closer to the lot line.

Public input was closed.

**Motion** by Krueger supported by Zube to *deny* the side yard and rear yard variance requested since 18.10 (a) (b) and (c) cannot be met.

**Roll Call Vote**

**Yes to deny: Horen, Krueger, Lyday, Zube, Brandt**

**No: none**

**Absent: Schweitzer**

**Motion carried**

### **DISCUSSION**

Request to interpret Ordinance 67 Section 2.19 &2.93 of Ordinance 67-G

Rochow, explained a situation with a non-conforming carport. The carport was damaged by snow and the owner wants it repaired.

Sheppard reviewed Chapter 16, Section16.01 through 16.08, regarding non-conforming uses, buildings, structures for parcels.

Discussion continued among the members, on a structure vs. building. It appears that there is a conflict between the meaning of a structure and the meaning of a building within the ordinance.

Brandt discussed pre-existing non-conforming buildings.

Section 16.05 Expansion of non-conforming uses and/or non-conforming building parcel or structure, was discussed among the members.

Rochow told the members that he needs a definition so he can approve or deny the permit for the carport.

Brandt told Rochow that the resident should be able to fix the carport. It was an existing non-conforming carport, not a new carport, and under 16.07 Alterations for repairs, it allows for the non-conforming carport to be repaired.

Krueger agreed with Brandt that the resident should be allowed to repair the non-conforming carport according to the ordinance.

Rochow said he was not clear on repair and replace.

Sheppard explained the difference between “repair and replace” by using a attached garage and a free-standing accessory building as an example. An attached garage is attached to the State Equalized Value (SEV) of the home. Repair is less than the cost of the SEV, replace is more than the cost of SEV. The cost of the repair must be less than half (50%) the cost of the house. If you have a free-standing building and it blows down from a storm, you will have to replace it. Free standing building is not part of the SEV.

**Motion** Horen supported by Zube to review the definition of a “structure” and the definition of a “building.” From the Planning Commission.

**Roll Call Vote**

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

**No: none**

**Absent: Schweitzer**

**Motion carried**

**Motion** by Zube supported by Brandt to allow the existing non-conforming carport attached to the house located at 2654 Fairfield to be repaired according to Ordinance 67 section 16.07.

**Roll Call Vote**

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

**No: none**

**Absent: Schweitzer**

**Motion carried**

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

**Motion unanimously carried.**

The meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Joy Krueger  
Secretary  
Jk/djp