

Almont Township

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Zoning Board of Appeals Meeting

July 30, 2014

The regular meeting of the Almont Township Zoning Board of Appeals was called to order at 7:00 P.M. by Chairman Schenburn at the Almont Township/Village Hall, 817/819 N. Main street, Almont, Michigan. Roll was taken.

MEMBERS PRESENT: Brad Bletch, Larry Malburg, Jerry Moore, David Schenburn, and Clay Stroup.

MEMBERS ABSENT: 0

ALSO PRESENT: 6 guests

MOVED BY STROUP AND SUPPORTED BY MALBURG TO RECEIVE THE MINUTES FROM JULY 9, 2014 AS PRESENTED. MOTION CARRIED.

Hearing No. 1.: Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 6, Section 6.01.12 – parking areas are to be paved.

Chairman Schenburn explained meeting procedures.

Mr. Peter Murad of Wilson Architects was present to explain the variance requests. Mr. Murad questioned the number of parking spaces called out in the Almont Township's Planner's (Doug Piggott from Rowe Professional Services) review. Chairman Schenburn reminded the Board members that the variance had to do with the parking surface and not the number of parking spaces. It was noted on the site plan (revised 7/10/14 –ZBA) that the parking area as well as the display area was to be paved.

Chairman Schenburn opened the meeting to the public at 7:03 P.M. No comments were offered. Chairman Schenburn closed the public hearing for the variance request from Article 6, Section 6.01.12 at 7:04 P.M.

ZBA Meeting
Page Two
July 30, 2014

Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 6, Section 6.01.12 – parking areas are to be paved. - continued

MOVED BY BLETCH AND SUPPORTED BY MOORE TO ACCEPT SITE PLAN AS REVISED 7/10/14- ZBA WITH PAVED PARKING THEREBY ALLEVIATING THE NEED FOR A VARIANCE. FROM ARTICLE 6, SECTION 6.01.12. ROLL CALL VOTE: BLETCH – YES; MOORE – YES; STROUP – YES; MALBURG – YES; SCHENBURN – YES. MOTION CARRIED.

Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 6, Section 6.06.2 – parking lot landscaping requirements.

Mr. Murad explained that S.T.E. wanted to use the area where the existing trees were to display the equipment that would be for sale, and as such wanted to relocate some of the good trees elsewhere on the property. The area would be cleared of obstruction thereby allowing for a clear view of the display area.

Chairman Schenburn opened the meeting to the public at 7:22 P.M. Comments were offered on the need to retain screening on the west side of the proposed fenced-in area. Chairman Schenburn closed the public hearing for the variance request from Article 6, Section 6.06.2 at 7:24 P.M.

It was determined after some discussion that the number of trees (9) met the requirements of the ordinance section, but needed to be adjusted so that landscaping would be provided for the parking area.

MOVED BY STROUP, AND SUPPORTED BY MALBURG, TO APPROVE THE REQUESTED VARIANCE FROM SECTION 6.06.2 BASED ON THE FOLLOWING FINDINGS OF FACT: IT COMPLIES WITH STANDARD ONE (1) BASED ON THE FACT THAT LANDSCAPING WITHIN THE DISPLAY AREA COULD OBSTRUCT VIEWS OF THE ITEMS ON DISPLAY; IT COMPLIES WITH STANDARD TWO (2) BASED ON THE FACT THAT MUCH OF THE EXISTING LANDSCAPING THAT IS TO BE USED BY THIS DEVELOPMENT IS UNIQUE TO THE SUBJECT PROPERTY; IT COMPLIES WITH STANDARD THREE (3) BASED ON THE FACT THAT EXISTING LANDSCAPING (SEVERAL TREES) TO BE USED HAVE BEEN IN PLACE SINCE BEFORE THE CURRENT OWNER BEGAN DEVELOPING THE PROPERTY; IT COMPLIES WITH STANDARD FOUR (4) BASED ON THE FACT THAT PROPOSED NUMBER OF TREES WOULD BE GREATER THAN REQUIRED AND ONLY BE 20 TO 30 FEET OUTSIDE OF THE PARKING LOT; IT COMPLIES WITH STANDARD FIVE (5) BASED ON THE FACT THAT THERE WILL BE TREE COVER AROUND THE SMALL PARKING AREA WHICH WOULD SEEM TO MEET THE GOAL OF SECTION 6.06 TO CREATE MORE ATTRACTIVELY LANDSCAPED LOTS. FURTHER, IN ORDER TO ENSURE COMPLIANCE WITH THESE STANDARDS,

ZBA Meeting
Page Three
July 30, 2014

Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 6, Section 6.06.2 – parking lot landscaping requirements – Continued:

THE FOLLOWING CONDITIONS ARE PART OF THE MOTION TO APPROVE: THAT THE APPLICANT SHALL MOVE 4 TREES, 2 ON THE SOUTH END OF THE PROPERTY AND TWO ON THE NORTH END OF THE PROPERTY CLOSER TO THE PARKING AREA. ROLL CALL VOTE: STROUP – YES, MALBURG – YES, BLETCH – YES, MOORE – YES, SCHENBURN – YES. MOTION CARRIED.

Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 16.02.1b – dust control requirements

Mr. Murad noted that on page SP-1 under General Notes, item 15 states “To prevent blowing dust and dirt in the rear equipment storage area, the crushed concrete will be watered on an as necessary.” It was also noted that as the area in question will be enclosed by a screened fence it will cut down on the wind.

Chairman Schenburn opened the meeting to public comments regarding the variance from Section 16.02.1b. at 7: 30 P.M. No comments were offered. Chairman closed the public comment portion of the meeting regarding the variance from Article 16, Section 16.02.1b at 7:31 p.m.

Discussion followed on fact that dust control measures seemed to have been addressed.

MOVED BY BLETCH, AND SUPPORTED BY STROUP, TO ACCEPT NOTE NUMBER 15 ON PAGE SP-1 OF SITE PLAN REVISED DATE 7/10/14 – ZBA THEREBY OMITTING THE NEED FOR A VARIANCE. ROLL CALL VOTE: BLETCH –YES; STROUP – YES, MALBURG – YES, MOORE – YES, SCHENBURN – YES. MOTION CARRIED.

Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 16.02.1c – requirements for posts, curbs, etc. for storage areas.

Mr. Murad noted that as the area in question is fenced in and as there is to be a five (5) foot clear area between the equipment and fence, the applicants felt that placing posts or curbs would only interfere and hinder them when it came to moving equipment in or out of the secured area.

Chairman Schenburn opened the meeting to public comments regarding the variance from Section 16.02.1c. at 7: 37 P.M. No comments were offered. Chairman closed the public comment portion of the meeting regarding the variance from Article 16, Section 16.02.1c at 7:38 p.m.

ZBA Meeting
Page Four
July 30, 2014

Petition 14-006 – S.T.E. (Southern Truck Equipment) Variance from Zoning Ordinance No 39, Article 16, Section 16.02.1c– requirements for posts, curbs, etc. for storage areas.

As the applicant is proposing to erect an eight (8) foot high screened fence, and as the fence will be over 670 feet in length, providing posts or curbs seemed unnecessary. Consensus of the Board felt that the maintenance of the fence would be up to the owners.

MOVED BY BLETCH, AND SUPPORTED BY STROUP, TO APPROVE THE REQUESTED VARIANCE BASED ON THE FOLLOWING FINDINGS OF FACT: IT COMPLIES WITH STANDARD ONE (1) BASED ON THE FACT THAT THE PROPOSED FENCE WOULD BE OVER 670 FEET IN LENGTH, AND PROVIDING POST OR CURBS ALONG THAT MUCH FENCE WHEN IT DOES NOT PROVIDE ANY FUNCTIONAL PROTECTION IS AN UNNECESSARY HARDSHIP; IT COMPLIES WITH STANDARD TWO(2) BASED ON THE FACT THAT THERE IS APPROX. 650 FEET OF VACANT PROPERTY WHICH BACKS UP TO A RESIDENTIAL AREA NECESSITATING THE LARGE AMOUNT OF SCREENING IN THE BACK; IT COMPLIES WITH STANDARD THREE (3)(BASED ON THE FACT THAT THE PROPERTY WAS NOT ZONED BY THE APPLICANT; IT COMPLIES WITH STANDARD FOUR (4) BASED ON THE FACT THAT OTHER COMMERCIAL BUSINESSES ARE GIVE SPECIAL PRIVILEGES N REGARDS TO PROVIDING POSTS, GUARD RAILS AND CURBS; IT COMPLIES WITH STANDARD FIVE(5) BASED ON THE FACT THAT IF THE APPLICANT MAINTAINS SEPARATION BETWEEN THE EQUIPMENT AND THE FENCE THAN DAMAGE TO THE FENCE CAN BE PREVENTED AND THAT ENCROACHMENT ON THE ADJACENT PROPERTIES NOT AN ISSUE GIVEN THE DISTANCE TO THE LOT LINES. FURTHER IN ORDER TO ENSURE COMPLIANCE WITH THESE STANDARDS, THE FOLLOWING CONDITIONS ARE PART OF THE MOTION TO APPROVE: EQUIPMENT IS TO BE KEPT AT LEAST FIVE (5) FEET FROM THE FENCE, AND IF THE FENCE IS DAMAGED IT WILL BE REPAIRED BY THE APPLICANT UPON NOTICE BY THE TOWNSHIP. ROLL CALL VOTE: BLETCH – YES; STROUP – YES, MOORE – YES, MALBURG – YES, SCHENBURN – YES. MOTION CARRIED.

Consensus of the Board members agreed to meet on August 13, 2014 at 6:30 p.m. to review and approve the July 30, 2014 minutes and sign the Finding of Fact Form.

Chairman Schenburn adjourned the meeting at 8:07 p.m.

Respectfully,



Ida L. Lloyd,
Recording Secretary

