

Zoning Board of Appeals Meeting

APRIL 18, 2016

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: Rick Dodge, Larry Malburg, Jerry Moore, David Schenburn, and Clay Stroup.

MEMBERS ABSENT: 0

ALSO PRESENT: 6 guests

MOVED BY DODGE AND SUPPORTED BY STROUP TO RECEIVE THE MINUTES FROM MARCH 28, 2016 AS PRESENTED. MOTION CARRIED.

Hearing No. 1.: Petition 16-02 – RGE AGGREGATES, INC. – Variance from Almont Township Soil Removal Ordinance 43.3, Section 9.A.2 – Setbacks

Chairman Schenburn explained meeting procures. Mr. Robert Eisenhardt owner of RGE Aggregates explained that in order to restore an area that was created by a former operator and is currently in violation of the Soil Removal Ordinance, he would like to refer to the original drawings which would give him the needed materials to restore the 170 to 250 foot wide tract along Kidder Road. Section 9.A.2 states that no excavation shall take place closer than 100 feet to the nearest property line and 500 feet to the nearest residence. The proposed excavation/restoration would be beyond the required setback that have been established.

Chairman Schenburn opened the public comment portion of the meeting at 7:21 p.m. Mr. Pilcher asked on which side of the pit this area of restoration would take place. Mr. Eisenhardt noted it would be along the northern edge of the pit. Chairman Schenburn closed the public hearing at 7:23 p.m. Chairman Schenburn was asked to reopen the meeting to hear more comments. Chairman Schenburn re-open the public comment portion of the meeting at 7:24 p.m..

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Mr. Filippo Serra whose property will be most affected by the proposed revisions was present and noted that he was in favor of the proposed restoration plan. Linda Beranek also spoke in favor of granting the variance. After asking for and not hearing any more comments closed the public comment portion of the meeting at 7:25 p.m.

Mr. Cory Mabery, P.E. of Davis Land Surveying & Engineering was present to help explain the current conditions of the Richardson-Bristol Gravel Pit. Mr. Mabery also noted that the Zoning Board of Appeals was acting in place of the Engineering Board of Appeals. Mr. Mabery noted RGE Aggregates has been a very good operator and has done a lot of work on pit, but still has much to do to restore the excavated areas. Mr. Mabery also noted that under Section 12 of the Soil Removal Ordinance the ZBA needed to consider the five conditions under which a variance could be granted. Mr. Mabery also noted that all five of the conditions had to be met in order for a variance to be granted. Mr. Mabery reviewed the five conditions with the Zoning Board of Appeal members.

Considerable discussion followed between the ZBA members. Consensus of the Zoning Board of Appeals noted for Planning Commission review that the current standard of 500 feet be revisited and also asked Mr. Mabery to review other communities surrounding Almont Township and find out what their setback rules are so that a comparison could be made.

**MOVED BY DODGE AND SUPPORTED BY STROUP TO DENY THE REQUEST AS SUBMITTED FROM RGE AGGREGATES INC. FOR PARCEL 44-001-034-011-00 ALSO KNOWN AS THE RICHARDSON-BRISTOL GRAVEL PIT FOR AN AMENDMENT FROM ALMONT TOWNSHIP'S SOIL REMOVAL ORDINANCE 43.3, SECTION 9.A.2 – SETBACKS. THE STRICT ENFORCEMENT OF THE ORDINANCE WOULD NOT CAUSE PRACTICAL DIFFICULTY NOR UNNECESSARY HARDSHIP NOR DEPRIVE THE OWNER RIGHTS ENJOYED BY OTHER PROPERTY OWNERS WITHIN THE SAME ZONING DISTRICT; THE CONDITIONS AND CIRCUMSTANCES ARE NOT SO UNIQUE THAT OTHER PROPERTIES WITHIN THE TOWNSHIP DO NOT HAVE THE SAME CHARACTERISTICS; BY DENYING THIS APPLICATION THE SPIRIT AND INTENT OF ORDINANCE 43.3, SECTION 9.A.2 – SETBACKS IS FOUND NOT TO BE CONTRARY IN ANY WAY. THE APPLICATION AS PRESENTED ALSO DOES NOT MEET THE FIVE STANDARDS AS NOTED UNDER SECTION 12 OF ALMONT TOWNSHIP'S SOIL REMOVAL ORDINANCE 43.3.
ROLL CALL VOTE: DODGE – YES, STROUP – YES, MALBURG – YES, MOORE – NO, AND SCHENBURN – NO. MOTION CARRIED 3-2.**

Chairman Schenburn called for a break at 8:10 p.m. Chairman Schenburn called the meeting back into order at 8:14 p.m.

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ELECTIONS: MOVED BY MALBURG AND SUPPORTED BY MOORE TO UNANIMOUSLY ELECT DAVE SCHENBURN AS CHAIRMAN FOR 2016. MOTION CARRIED UNANIMOUSLY.

MOVED BY SCHENBURN AND SUPPORTED BY STROUP TO UNANIMOUSLY ELECT LARRY MALBURG AS VICE CHAIRMAN FOR 2016. MOTION CARRIED UNANIMOUSLY.

MOVED BY STROUP AND SUPPORTED BY MALBURG TO UNANIMOUSLY ELECT RICK DODGE AS SECRETARY FOR 2016. MOTION CARRIED UNANIMOUSLY.

CHAIRMAN SCHENBURN ADJOURNED THE MEETING AT 8:22 P.M.

Respectfully submitted by:

Ida L. Lloyd

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Recording Secretary