

Zoning Board of Appeals Meeting

August 3, 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, and David Schenburn

MEMBERS ABSENT: Clay Stroup.

ALSO PRESENT: 2 guests

MOVED BY DODGE AND SUPPORTED BY MALBURG TO RECEIVE THE MINUTES FROM JUNE 8, 2016 AS PRESENTED. MOTION CARRIED.

Hearing No. 1. Petition 16-06 –Michael & Linda Cassle – 6872 General Squier Road. Variance from Almont Township Zoning Ordinance No. 39, Article 9, Section 9.03.3.b – side setbacks

Chairman Schenburn explained meeting procedures.

Mr. Cassle explained his variance request by describing the existing conditions on his property. The property is low in the front and is part of a natural waterway that flows across the front of the property thereby resulting in the need for two culverts underneath his driveway. The well is located in the front of the house and the septic and reserve area is located behind the house and to the east of the house. The house is located at the southwest corner of the 2 acre lot approx. 366 feet back from the road. The lot is 500 feet deep. Due to the angle of the road (General Squier) the property is angled and not a true straight line and as such the house is lined up with the property line.

Mr. Cassle noted that he would like to construct a 30 x 66 foot 4 bay attached garage but due to the layout of the property he does not have enough room to meet the side setback requirements. Mr. Cassle noted that after several revisions, he would lack 7.4 feet from meeting the 15 feet that the ordinance requires.

Chairman Schenburn opened the hearing to the public at 7:10 p.m. Mr. Achiel Feys was present. Mr. Feys owns the property to the west of the subject property. Mr. Feys noted that he is trying to sell his property and felt that if the variance was granted he couldn't sell it due to the large garage setting so close to the property line.

Petition 16-06 Continued:

Discussion was held between the board members. It was noted that they must consider the five items prior to making their decision. Chairman Schenburn went over the 5 items as answered by the applicant. It was also noted for the record that no comments, verbal or written were received by the Township regarding Petition 16-06 other than Mr. Feys.

MOVED BY DODGE AND SUPPORTED BY MALBURG TO APPROVE THE REQUESTED VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 9, SECTION 9.03.3.b – SIDE SETBACKS AS PRESENTED BY MR. MICHAEL CASSLE OF 6872 GENERAL SQUIER ROAD, ALMONT TOWNSHIP, AS PRESENTED BASED ON THE FOLLOWING FINDINGS OF FACT: (1) BASED ON THE FACT THAT STRICT ENFORCEMENT OF THE ORDINANCE WOULD DEPRIVE THE OWNER OF RIGHTS ENJOYED BY OTHER PROPERTY OWNERS; (2) THE CONDITIONS AND CIRCUMSTANCES ARE UNIQUE TO THE SUBJECT PROPERTY; (3) THE CONDITIONS AND CIRCUMSTANCES UNIQUE TO THE PROPERTY WERE NOT CREATED BY THE OWNER OR HIS PREDECESSOR IN TITLE; (4) THE REQUESTED VARIANCE WILL NOT CONFER SPECIAL PRIVILEGES AS OTHER PROPERTIES WITHIN ALMONT TOWNSHIP HAVE BEEN APPROVED TO CONSTRUCT BUILDINGS THAT COULD NOT MEET THE REQUIRED SIDE SETBACKS.; AND (5) THE REQUESTED VARIANCE WILL NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE TOWNSHIP ZONING ORDINANCE. ALSO IT SHALL BE NOTED THAT THE APPLICANT SHALL PLANT ARBORVITAE AND/OR CEDARS SPACED 10 FEET APART ALONG THE WEST SIDE OF THE SIXTY-FOOT LENGTH OF THE PROPOSED ATTACHED GARAGE TO ACT AS A EVERGREEN SCREEN BETWEEN THE SUBJECT PROPERTY AND THE PROPERTY ADJACENT TO THE WEST. THE APPROVAL ALSO PROHIBITS ANY ADDITIONAL CONSTRUCTION ALONG THE WEST SIDE OF THE PROPOSED ATTACHED GARAGE AND THAT THE SETBACK SHALL BE MEASURED FROM THE FOOTING OR BRICK LEDGE. A CERTIFIED LAND SURVEYOR SHALL NOTE AND ESTABLISH THE PLACEMENT OF THE FOOTINGS WHICH SHALL NOT EXCEED 7.8 FEET FROM THE SIDE PROPERTY LINE. THE PROPOSED 30 X 66 FOOT GARAGE SHALL BE CONSTRUCTED OF MATERIALS THAT WILL MATCH THE EXISTING HOUSE. MOTION CARRIED UNANIMOUSLY.

Consensus of board members agreed to meet on August 10, 2016 at 6:30 p.m. to approve the August 3rd minutes and to sign the affidavit.

Chairman Schenburn adjourned the meeting at 7:50 p.m.

Respectfully Submitted by,

Ida L. Lloyd

Ida L. Lloyd,
Recording Secretary

