

## Zoning Board of Appeals Meeting

June 6, 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 MAY 4, 2016 AS PRESENTED. MOTION CARRIED.**

Hearing No. 1. Petition 16-03 – DRYDEN CHAMBER OF COMMERCE – Variance from Almont Township Zoning Ordinance No. 39, Article 2, Section 2.21, K.2 – Prohibited signs and E.5 – signs shall have the numerical address listed. Continued from May 4, 2016.

Chairman Schenburn explained meeting procedures.

Mr. Alen Graham from the Dryden Chamber of Commerce was again present to explain his request. Mr. Graham noted that the need for the sign was more for public awareness of what Dryden has to offer such as General Squier Park, Seven Ponds Nature Center, the various businesses and churches. The advertising that was proposed would help pay for the maintenance of the sign.

Chairman Schenburn opened the meeting to hear public comment at 7:05 p.m. 2 Dryden village residents and 1 Almont Township resident spoke in favor of the sign. After asking for and hearing no more comments, Chairman Schenburn closed the public comment portion of the hearing at 7:12 p.m.

Zoning Board of Appeals  
Page Two  
June 6, 2016

Petition 16-03 Continued:

Discussion followed by the Board members. Each noted that though they empathized with the applicant, they also saw that there was no hardship nor any valid reasons to approve the application as presented.

**MOVED BY DODGE AND SUPPORTED BY MOORE TO DENY THE REQUEST AS SUBMITTED FROM DRYDEN CHAMBER OF COMMERCE FOR PARCEL 44-001-016-013-00 ALSO KNOWN AS 4014 VAN DYKE FOR AN AMENDMENT FROM ALMONT TOWNSHIP'S ZONING ORDINANCE 39, AS AMENDED, ARTICLE 2, SECTION K.2 AND E.5. THE STRICT ENFORCEMENT OF THE ORDINANCE WOULD NOT CAUSE PRACTICAL DIFFICULTY NOR UNNECESSARY HARDSHIP NOR DEPRIVE THE APPLICANT THE SAME 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 39, AS AMEND, ARTICLE 2, SECTIONS 2.21, SUB SECTIONS K.2 AND 3.5 ARE FOUND NOT TO BE CONTRARY IN ANY WAY.**

**ROLL CALL VOTE: DODGE – YES, MOORE – YES, STROUP YES, MALBURG – YES, SCHENBURN – YES. MOTION CARRIED.**

Petition 16-003 was denied.

Hearing No. 2: Petition 16-04 Thomas Card , 3600 Farley Road, - Variance from Almont Township Zoning Ordinance no. 39, as amended, Article 2, Section 2.02.3 – placement of accessory building.

Mr. Thomas Card owner of 3600 Farley Road was present to explain how the conditions of his property would prevent him from complying with the township's ordinance. Mr. Card noted that he has to replace his septic field soon and the only place to put it is in the area that he had planned to construct his 32 x 40 foot accessory building. The property is a narrow 5 acre lot and the soils are mostly muck in the rear yard.

Chairman Schenburn opened the hearing to the public at 7:30 p.m. Hearing no comments Chairman Schenburn closed the public hearing 7:31 p.m.

Discussion was held by the board members. The site is as the owner described and due to the fact that one cannot build on the muck agreed that the conditions were such that a variance seemed appropriate.

Hearing No. 2: Continued:

**MOVED BY DODGE AND SUPPORTED BY MALBURG BY TO APPROVE THE REQUESTED VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 2, SECTION 2.02.3 AS PRESENTED BY THOMAS CARD OF 3600 FARLEY ROAD 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 AS OTHER PROPERTIES WITHIN ALMONT TOWNSHIP HAVE BEEN APPROVED TO CONSTRUCT ACCESSORY BUILDING IN THE FRONT YARD; AND (5) THE REQUESTED VARIANCE WILL NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE TOWNSHIP ZONING ORDINANCE. MOTION CARRIED UNANIMOUSLY.**

Petition 16-04 was approved.

Hearing No. 3: Petition 16-05, Joseph Hulway 6223 Hough - Variance from Almont Township Zoning Ordinance no. 39, as amended, Article 2, Section 2.02.3 – placement of accessory building.

Mr. Hulway explained the topography of his property noting the extensive wetland area and the fact that the property dips to the rear and is heavily wooded. Mr. Hulway noted that the barn would match the house and be surrounded by trees so for the most of the year no one would be able to see the barn.

Chairman Schenburn opened the hearing to the public at 7:45 p.m. Mr. Don Urbanczyk the adjoining neighbor stated that so long as he didn't have to cut down any trees had no problem with the proposed location of the barn. A letter was received from Skyline Camp notifying the board that they too had no objections. After asking for and receiving no further comments, Chairman Schenburn closed the public comment portion of the hearing at 7:49 p.m. Board members discussed application.

**MOVED BY DODGE AND SUPPORTED BY MALBURG BY TO APPROVE THE REQUESTED VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 2, SECTION 2.02.3 AS PRESENTED BY JOSEPH HULWAY OF 6223 HOUGH ROAD 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 AS OTHER PROPERTIES WITHIN ALMONT TOWNSHIP HAVE BEEN APPROVED TO CONSTRUCT ACCESSORY BUILDING IN THE FRONT YARD; AND (5) THE REQUESTED VARIANCE WILL NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE TOWNSHIP ZONING ORDINANCE. MOTION CARRIED UNANIMOUSLY.**

Petition 16-05 was approved.

Zoning Board of Appeals  
Page Four  
June 6, 2016

ZBA members agreed to meet on June 8, 2016 at 7 p.m. to review the minutes for approval and sign the affidavits.

**MOVED BY DODGE AND SUPPORTED BY MOORE TO ADJOURN THE MEETING AT 7:55 P.M. MOTION CARRIED.**

Respectfully submitted by:

*Ida L. Lloyd*

Ida L. Lloyd, Recording Secretary