

Zoning Board of Appeals Meeting

MARCH 13, 2019

The regular meeting of the Almont Township Zoning Board of Appeals was called to order at 6:00 P.M. by Chairman Malburg at the Almont Township/Village Hall, 817/819 N. Main Street, Almont, Michigan. Roll was taken.

MEMBERS PRESENT: Rick Dodge, James Gostomski, Larry Malburg, Jerry Moore, and Traci Pewinski

MEMBERS ABSENT: None

ALSO PRESENT: 4 guests

MOVED BY PEWINSKI AND SUPPORTED BY DODGE TO RECEIVE THE MINUTES FROM NOVEMBER 8, 2018 AS PRESENTED. MOTION CARRIED.

Petition No. 1.: Petition 19-01 – George Tencza (Superior Contracting) Parcel 44-001-004-011-10, Variance Request from Almont Township Zoning Ordinance No. 39, as amended, Article 6, Section 6.2.J – ingress/egress drives to the parking lot shall be paved and not less than 28 feet in width; Section 6.2.L – drives shall have tapers and bypass lanes, and shall be paved; and Section 6.2.O – curbs, meeting construction standards established by the Township Engineering Standards Ordinance.

Mr. George Tencza of Superior Contracting was present to explain his variance requests. Mr. Tencza noted that he would like to develop the 9 plus acre parcel located at the northwest corner of Webster Road and Van Dyke (M-53) for his construction business. The parcel was recently re-zoned from Ag-Res to C-1. Mr. Tencza noted that he would like permission to construct the access drive approaches off of Webster Road without curb and gutter and eliminate the paving and curb and gutter requirements on the propose both approaches. The west drive would grant access to the rear yard which he was requesting to have surfaced in crushed gravel as this area will be used for outdoor storage for equipment and vehicles. The east most drive will access the public parking area.

Petition No. 1 Continued:

Chairman Malburg asked if there were any comments from the audience. None were offered.

ZBA members discussed the proposed site plan with the applicant noting the variance requests items for clarification. The proposed outdoor storage area was discussed and defined to the area marked in yellow highlighter. Mr. Tencza restated the nature of his business and as both drive accesses will be coming off Webster Road, which is a gravel road, a paved and curbed approach would create a practical hardship especially on the western most drive approach as that drive will allow direct access to his proposed outdoor gravel storage area where he plans to keep his heavy duty vehicles and equipment. Mr. Tencza also noted that the office parking area which will face Van Dyke will be paved and that the sidewalk between the building and the parking area will act as a curb. It was noted that the Planning Commission will be reviewing that part to ensure control of drainage or vehicle circulation.

Discussion between members followed. Dodge read Section 10.4.C.1 a – e, which are the 5 conditions that Zoning Board members must consider prior to rendering a decision.

MOVED BY GOSTOMSKI AND SUPPORTED BY MOORE TO GRANT THE VARIANCE REQUESTS FOR APPLICATION 19-01 AS SUBMITTED BY GEORGE TENCZA OF SUPERIOR CONTRACTING FOR PARCEL 44-001-004-011-10 FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 6, SECTION 6, SUBSECTIONS 6.2.J – INGRESS AND EGRESS DRIVES TO PARKING LOT SHALL BE PAVED; 6.2. L – TAPERS AND BYPASS LANES SHALL BE PAVED; AND 6.2.O – CURBS MEETING THE CONSTRUCTION STANDARDS ESTABLISHED BY THE TOWNSHIP ENGINEERING STANDARD ORDINANCE; BASED ON THE FOLLOWING FINDING OF FACTS: (1) THE FACT THAT STRICT ENFORCEMENT OF THE ORDINANCE WOULD DEPRIVE THE OWNER THE RIGHTS ENJOYED BY OTHER PROPERTY OWNERS WITHIN THE SAME ZONING DISTRICT AND ALSO BASED ON THE FACT THAT SAID ACCESS DRIVES ARE TO BE LOCATED OFF A GRAVEL PUBLIC ROAD AND THEREFORE IT WOULD NOT BE PRACTICAL TO DRIVE HEAVY EQUIPMENT ON PAVEMENT. (2) THE CONDITIONS AND CIRCUMSTANCES ARE UNIQUE TO THE SUBJECT PROPERTY IN THE SENSE THAT THE PROPOSED LOCATION IS OFF A GRAVEL PUBLIC ROAD AND NOT A PAVED PUBLIC ROAD AND THE APPROACHES WITHIN THE R.O.W. ARE UNDER THE JURISDICTION OF THE LAPEER COUNTY ROAD COMMISSION. (3) THE CONDITIONS AND CIRCUMSTANCES UNIQUE TO THE PROPERTY WERE NOT CREATED BY THE OWNER OR HIS PREDECESSOR IN TITLE AS THE FORMER USE OF THE PROPERTY WAS ONCE FARMED AND DUE TO THE CURVE ON THE MAIN PAVED HIGHWAY (M-53) THE SITE'S ONLY PRACTICAL AND SAFE ACCESS WOULD BE OFF THE PUBLIC GRAVEL ROAD (WEBSTER ROAD). (4) THE REQUESTED VARIANCE WILL NOT CONFER SPECIAL PRIVILEGES AS OTHER PROPERTIES WITHIN ALMONT TOWNSHIP HAVE BEEN APPROVED TO CONSTRUCT SITES WHERE PAVING WAS NOT MANDATED. (5) THE REQUESTED VARIANCE WILL NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE TOWNSHIP ZONING ORDINANCE IN THAT ALLOWING THESE VARIANCES, THE PROPERTY WILL BE UTILIZED TO ITS BEST ADVANTAGE.

ROLL CALL VOTE: GOSTOMSKI – YES, MOORE – YES, PEWINSKI – YES, DODGE – NO, MALBURG – YES.

MOTION CARRIED.

ZBA Hearing for Application 19-01

March 13, 2019

Page Three

Consensus of Zoning Board of Appeals members agreed to meet on March 18, 2019 at 6:30 p.m. to review and approved the minutes and to review and sign the Final Decision Forms. Closing of the ZBA hearing for Application 19-01 is postponed until March 18, 2019.

Respectfully submitted by.

Ida L. Lloyd

Ida L. Lloyd, Recording Secretary