

Zoning Board of Appeals Meeting

APRIL 17, 2019

The regular meeting of the Almont Township Zoning Board of Appeals was called to order at 6:56 P.M. by Chairman Malburg, at the Almont Township/Village Hall, 817/819 N. Main Street, Almont, Michigan. Roll call was taken.

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

MEMBERS ABSENT: None

ALSO PRESENT: Mr. Michael Hoover and Mr. William Saintonge

ELECTION: MOVED BY MOORE AND SUPPORTED BY DODGE TO ELECT LARRY MALBURG AS CHAIR TO THE ZONING BOARD OF APPEALS FOR 2019. MOTION CARRIED UNANIMOUSLY.

MOVED BY MOORE AND SUPPORTED BY PEWINSKI TO ELECT JAMES GOSTOMSKI AS VICE-CHAIR TO THE ZONING BOARD OF APPEALS FOR 2019. MOTION CARRIED UNANIMOUSLY.

MOVED BY MOORE AND SUPPORTED BY DODGE TO ELECT TRACI PEWINSKI AS SECRETARY TO THE ZONING BOARD OF APPEALS FOR 2019. MOTION CARRIED UNANIMOUSLY.

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

Petition No. 1: Petition 19-02 – M. Hoover – 44-001-019-002-30 – 4644 Sandhill Road variance request from Zoning Ordinance No. 39, as amended, Article 2, Section 2.3.C – “Detached accessory buildings shall not be erected in any required or non-required front yard. Accessory building shall only be constructed in side or rear yards subject to the setback requirements of this Section”.

Mr. Dodge noted for the record that the required public notices to the qualified property owners within 300 feet had been mailed and that a public notice had been published in the newspaper.

Petition No. 1: Petition 19-02 – M. Hoover – 44-001-019-002-30 – 4644 Sandhill Road variance request from Zoning Ordinance No. 39, as amended, Article 2, Section 2.3.C – continued:

Mr. Michael Hoover owner of 4644 Sandhill Road was present to explain his request for a variance from Article 2, Section 2.3.C. Mr. Hoover noted that the rear topography of his property slopes down to West Lake (pond). The lot is flag-shape and on the north side of the house are two wells, while on the south side of the house the septic field is located. The only remaining building site is in front of his house to the east. There are also overhead electrical lines that go overhead near the house and then underground from the pole to his house.

Reviewed by the Board members were photos of the property showing the slope of the rear yard, and the location of the wells, and the electrical underground line to the house.

Board members discussed possible options for relocation of the proposed accessory structure.

Chairman Malburg noted for the record that due to not receiving any public comments he was closing the hearing to public comments at 7:10 p.m.

MOVED BY GOSTOMSKI, AND SUPPORTED BY MOORE, TO APPROVE PETITION 19-02 AS PRESENTED BY M. HOOVER OF 4644 SANDHILL ROAD AND GRANT HIS REQUEST FOR A VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 2, SECTION 2.3.C (LOCATION OF ACCESSORY BUILDINGS) FOR THE FOLLOWING REASONS 1.) THAT STRICT ENFORCEMENT OF THE PROVISION OF THE TOWNSHIP ZONING ORDINANCE WOULD CAUSE UNNECESSARY HARDSHIP AND WOULD DEPRIVE THE APPLICANT RIGHTS ENJOYED BY OTHERS PROPERTY OWNERS WITHIN THE SAME ZONING DISTRICT, 2.) THE CONDITIONS AND CIRCUMSTANCES UNIQUE TO THE PROPERTY ARE DUE TO THE TOPOGRAPHY OF THE PROPERTY, THE LOCATION OF UNDERGROUND UTILITIES, AND SEPTIC FIELD, 3.) THE CONDITIONS AND CIRCUMSTANCES OF THE PROPERTY WERE NOT SELF-CREATED AND THAT THE PROPERTY HAS LIMITED BUILDING SITES, 4.) APPROVING THE VARIANCE DOES NOT CONFER SPECIAL PRIVILEGES TO THE APPLICANT AS OTHER PROPERTY OWNERS HAVE BEEN GRANTED A VARIANCE FROM THE SAME SECTION OF THE ZONING ORDINANCE, FOR SIMILAR REASONS, 5.) THAT BY APPROVING THE VARIANCE IT WILL NOT BE CONTRARY TO THE SPIRIT OF THE ZONING ORDINANCE, ESPECIALLY ARTICLE 2, SECTION 2.3.C. MOTION CARRIED 4-1.

LATE AGENDA ITEM:

Mr. Dodge noted that at the Planning Commission's April meeting, there was a question regarding the motion relating to the variance requests granted to 1st Choice Building and Maintenance LLC on October 31, 2018. The question was to whether or not the variance included all curbing or just the curbs for the access drives. The author of the motion was Traci Pewinski, and supported by Jerry Moore.

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Late Agenda Item Continued:

Mr. Saintonge stated that in order for his project to go forward a clarification needed to be determined.

Pewinski and Moore reviewed the motion. Both Pewinski and Moore stated that the motion made on October 31, 2018 for Petition 18-02 included a variance from all curbing. Therefore, no curbing is required for parcel 44-001-009-016-30 pursuant to the variance granted on October 31, 2018.

Moved by Dodge and supported by Pewinski at 7:56 p.m. to recess the meeting until Monday, April 22, 2019 at 6:30 p.m. thereby allowing the recording secretary to prepare the minutes and the Final Decision Form. Motion carried.

Respectfully,

Ida L. Lloyd

Ida L. Lloyd,
Recording Secretary