

Zoning Board of Appeals Meeting

OCTOBER 30, 2019

The regular meeting of the Almont Township Zoning Board of Appeals was called to order at 7:02 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. Matt Henry (Camp Skyline), Mr. George Tencza (Superior Contracting), and 2 guests

Petition No. 1: Petition 19-03 – SKYLINE CAMP & RETREAT CENTER, 6470 HOUGH ROAD (44-001-031-001-00) - VARIANCE REQUEST FROM Zoning Ordinance No. 39, as amended, Article 2, section 2.9 Dwelling in Other Than Main Structure “No residential structure shall be erected upon the rear yard of a lot or on a lot with another dwelling”.

Mr. Matthew Henry, Executive Director, Skyline Camp and Retreat Center, was present to explain the variance request. Mr. Henry noted that the campsite (156 acres) has been a non-profit organization since 1964, and over the years due to the expanded activities now accommodates several hundred guests each year. As such, the camp has grown so that a second full-time staff member is required to help with the operation of the camp. In order to accommodate a full-time staff member and to keep the camp running efficiently Skyline Camp & Retreat Center needs to provide on-site housing for the new staff member and his/her family. Mr. Henry noted that he had gone before the Planning Commission where he received a recommendation to seek a variance thereby allowing Skyline Camp & Retreat Center to erect another dwelling structure on the property.

Question was asked what the down-fall would be if the 2 acres were divided off from the parent parcel. As the Township Zoning ordinance requires a minimum of 10 acres for

Petition No. 1 Continued:

recreational use, the newly created parcel could not be used as part of the camp and its activities.

Question was asked if the camp was thinking of dividing more parcels off and creating a subdivision. Mr. Henry stated that Skyline Camp and Retreat Center had no such plan in mind and hopes that in allowing for a second single-family dwelling, they would not be forced to divide any of the property now or in the near future. Mr. Henry noted that the bylaws and constitution of the camp could be amended to note that if in the future Skyline Camp & Retreat were to dissolve, the dwelling would be partitioned off and become a single parcel that would meet the Township's standards for a new lot. Mr. Henry provided a proposed survey showing said proposal.

Discussion followed on the five standards for allowing a variance. Chairman Malburg closed public comments at 7:30 p.m.

MOVED BY GOSTOMSKI, AND SUPPORTED BY MOORE, THAT THE VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 2, SECTION 2.9 BE GRANTED FOR PETITION 19-03 AS PRESENTED BY SKYLINE CAMP AND RETREAT NOTING THAT IF THE CAMP WERE TO DISSOLVE THE NEW SINGLE-FAMILY DWELLING WOULD NEED TO BE SPLIT OFF FROM THE PARENT PARCEL. SKYLINE CAMP AND RETREAT SHALL ALSO PROVIDE A COPY OF THEIR AMENDED BY-LAWS AND CONSTITUTION TO THE ALMONT TOWNSHIP ASSESSOR AND BUILDING DEPARTMENT NOTING THE ABOVE, BASED ON THE FOLLOWING FACTS:

- 1) COMPLIANCE WITH THE STRICT LETTER OF THE RESTRICTION GOVERNING AREA ,SETBACKS, FRONTAGE, HEIGHT, BULK OR DENSITY WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME;**
- 2) THE CONDITIONS AND CIRCUMSTANCES ARE UNIQUE TO THE SUBJECT PROPERTY AND ARE NOT SIMILARLY APPLICABLE TO OTHER PROPERTIES IN THE SAME ZONING DISTRICT;**
- 3) THE CONDITIONS AND CIRCUMSTANCES UNIQUE TO THE PROPERTY WERE NOT CREATED BY THE OWNER, OR HIS PREDECESSOR IN TITLE, WITHIN THE TIME FOLLOWING THE EFFECTIVE DATE OF THE PROVISIONS ALLEGED TO ADVERSELY AFFECT SUCH PROPERTY;**
- 4) THE REQUESTED VARIANCE WILL NOT CONFER SPECIAL PRIVILEGES THAT ARE DENIED OTHER PROPERTIES SIMILARLY SITUATED AND IN THE SAME ZONING DISTRICT;**
- 5) THE REQUESTED VARIANCE WILL NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE TOWNSHIP ZONING ORDINANCE.**

ROLL CALL VOTE:

GOSTOMSKI – YES, MOORE – YES, PEWINSKI – NO, DODGE – NO, MALBURG – YES. MOTION CARRIED.

Petition No. 2: Petition 19-04 – SUPERIOR CONTRACTING/TKKA INVESTMENTS, 3044 VAN DYKE (44-001-004-011-10) variance request from Zoning Ordinance No. 39, as amended, Article 6, Section 6.O – Curbs “Meeting construction standards established by the Township Engineer Standards Ordinance, shall be required whenever the Planning Commission deems them necessary to control drainage or vehicle circulation”, and Article 8, section 8.8 – “Building height is not to exceed 30 feet, measured from the mean”.

Chairman Malburg opened Petition No. 2 at 8 p.m. It was noted that there was an error on the height measurement. The building height is not to exceed 40 feet, measured from the mean therefore a variance will not be required.

Mr. George Tencza was present to explain the variance request from Article 6, section 6.O – Curbs. Mr. Tencza explained that the site is designed for sheet flow of the water and that by having to install curbs it would prevent the water from flowing naturally and create more water into the detention pond and through the drainage pipe across M53. A long discussion was held on the pros and cons of curbs. Mr. Tencza noted that the Planning Commission had instructed Mr. Tencza to put in curbs even though the Township Engineer stated that the site could work well without them. Mr. Tencza also noted that curbs are not mandatory, but are subject to whether or not the Planning Commission felt them necessary. Mr. Tencza noted that he would install parking blocks in place of the curbs to aid in keeping vehicles off the grassy areas.

Chairman Malburg closed public comment at 8:30 p.m.

MOVED BY GOSTOMSKI, AND SUPPORTED BY MOORE, TO APPROVE PETITION 19-04 AS PRESENTED BY GEORGE TENCZA OF SUPERIOR CONTACTING FOR 3044 VAN DYKE AND GRANT HIS REQUEST FOR A VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 6, SECTION 6.O – CURBS CONTINGENT UPON RECEIVING A LETTER FROM THE TOWNSHIP ENGINEER RECOMMENDING THAT REMOVAL OF THE CURBS WILL NOT ADVERSELY EFFECT THE FLOW OF WATER, AND ALSO FOR THE FOLLOWING REASONS:

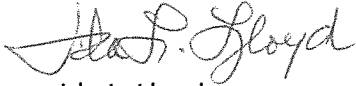
- 1.) THAT STRICT ENFORCEMENT OF THE PROVISION OF THE TOWNSHIP ZONING ORDINANCE WOULD CAUSE UNNECESSARY HARDSHIP AND WOULD DEPRIVE THE APPLICANT RIGHTS ENJOYED BY OTHERS PROPERTY OWNERS WITHIN THE SAME ZONING DISTRICT, ESPECIALLY THOSE WITH SPECIAL LAND USES;**
- 2.) THE CONDITIONS AND CIRCUMSTANCES UNIQUE TO THE PROPERTY ARE DUE TO THE TOPOGRAPHY OF THE PROPERTY AND THE LOCATION OF THE SEPTIC FIELDS;**
- 3.) THE CONDITIONS AND CIRCUMSTANCES OF THE PROPERTY WERE NOT SELF-CREATED AND THAT THE PROPERTY HAS A NATURAL DROP OF FOUR FEET TO THE NORTH EAST, WHICH LEADS TO THE DRAIN;**
- 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.**

ROLL CALL VOTE: GOSTOMSKI – YES; MOORE – YES; DODGE – NO; PEWINSKI – YES; MALBURG – NO. MOTION CARRIED.

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Moved by Dodge and supported by Pewinski at 9:10 p.m. to recess the meeting until Tuesday, November 5, 2019 at 6:00 p.m. thereby allowing the recording secretary to prepare the minutes and the Final Decision Form. Motion carried.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ida L. Lloyd".

Ida L. Lloyd,
Recording Secretary