

Almont Township

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Zoning Board of Appeals Meeting May 3, 2017

The regular meeting of the Almont Township Zoning board of Appeals was called to order at 7:00 P.M. by Vice Chairman Malburg at the Almont Township/Village Hall, 817/819 N. Main Street, Almont, Michigan. Roll call was taken.

MEMBERS PRESENT: Brad Bletch, James Gostomski, Larry Malburg, Jerry Moore, and Traci Pewinski

MEMBER ABSENT: N/A

ALSO PRESENT: 3 Guest

MOVED BY MOORE AND SUPPORTED BY PEWINSKI, TO RECEIVED THE MINUTES FROM SEPTEMBER 7, 2016 AS PRESENTED. MOTION CARRIED.

ELECTIONS: Chairman – **MOVED BY MOORE AND SUPPORTED BY GOSTOMSKI TO NOMINATE AND UNANIMOUSLY ELECT LARRY MALBURG TO THE POSITION OF CHAIRMAN. NOMINATE AND UNANIMOUSLY ELECT**

VICE CHAIRMAN – MOVED BY BLETCH AND SUPPORTED BY PEWINSKI TO NOMINATE AND UNANIMOUSLY ELECT GOSTOMSKI TO THE POSITION OF VICE CHAIRMAN. MOTION CARRIED UNANIMOUSLY.

SECRETARY – MOVED BY MALBURG AND SUPPORTED BY MOORE TO NOMINATE AND UNANIMOUSLY ELECT PEWINSKI TO THE POSITION OF SECRETARY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING: Petition 17-01 – Scott & Karen Nielsen – 5160 Cochrane Road, variance from Zoning Ord. 39, as amended, Article 2, Section 2.02.3 - “no accessory building shall be constructed in any required or non-required front yard.”

Chairman Malburg opened the public hearing at 7:10 p.m. and asked Mr. Nielsen to explain his request.

Scott Nielsen explained that his property which he bought in 2000 was a long and narrow 10 acres. The house is placed sideways on the property. Photos were reviewed which showed the placement of outbuildings, the main dwelling with attached garage, well and septic. It was noted that the house was originally built in the late 1970's. Mr. Nielsen noted that if he wasn't allowed to construct the barn in the front yard he would need to move the septic field, extend the driveway, which would require him to drain a portion of his yard. Also, there are overhead electrical wires that also prohibit him from locating an accessory building in an approved area and that the property line behind his house is only 50 feet, which will not allow for the proper setbacks. These conditions existed prior to his purchase of the property and Mr. Nielsen felt the only logical choice was in the front yard. There are several mature trees and the barn would not be too noticeable from the road.

Chairman Malburg noting that no further comments were offered closed the public comment portion of the meeting at 7:18 p.m.

Discussion was held by the ZBA members.

MOVED BY GOSTOMSKI AND SUPPORTED BY MOORE TO APPROVE THE REQUESTED VARIANCE FROM ZONING ORDINANCE NO. 39, AS AMENDED, ARTICLE 2, SECTION 2.02..3 AS PRESENTED BY SCOTT AND KAREN NIELSEN OF 5160 COCHRANE 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 PROPERTIES WITHIN ALMONT TOWNSHIP HAVE BEEN APPROVED TO CONSTRUCT ACCESSORY BUILDINGS IN THE FRONT YARD; AND (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, BLETCH – YES, PEWINSKI – YES, MALBURG – YES. MOTION CARRIED.

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Consensus of ZBA members agreed to meet on Monday, May 8, 2017 beginning at 5:30 p.m. to resume said meeting to sign the FINAL DECISION OF THE ALMONT TOWNSHIP ZONING BOARD OF APPEALS FORM and approve the May 3, 2017 minutes.

Respectfully,

Ida L. Lloyd

Ida L. Lloyd, Recording Secretary