

Engineering Board of Appeals Meeting

May 16, 2018

A meeting of the Almont Township Engineering Board of Appeals was called to order at 10:00 A.M. by Supervisor Paul Bowman at the Almont Township/Village Hall, 817/819 N. Main Street, Almont, Michigan. Roll was taken.

MEMBERS PRESENT: Supervisor Paul Bowman; Planning Commissioner Mark Lauwers; Zoning Board of Appeals member Jerry Moore, and Almont Township Engineer, Cory Mabery, PE.

MEMBERS ABSENT: 0

ALSO PRESENT: 10 guests

APPOINT CHAIRPERSON: Consensus of members present agreed to appoint Supervisor Paul Bowman as Chairman to the Engineering Board of Appeals.

INTRODUCTION OF PROCEDURES: Engineer Mabery noted from Almont Township's Engineering Standards Ordinance 49.3, Section 11 that the EBA may authorize a variance from the provisions of the ordinance when it determines that undue hardship may result from strict compliance with a specific provision or requirement of the ordinance. In granting a variance, the EBA may prescribe other conditions that it deems necessary or desirable for the public interest. Engineer Mabery read the 4 finding of facts that the EBA must consider when rendering a decision.

Chairman Bowman noted for the record that the public hearing was opened at 10:04 A.M.

Hearing No. 1.: Petition 18-01 – Ray Shavers of 4081 & 4151 Van Dyke Variance Request from Almont Township Engineering Standards Ordinance No. 49.3, as amended, Article 3, subsections #9 (Minimum isolation (setback) of detention basins shall be no less than twenty feet), and #10 (basin properties shall have a length-to-width ratio of not more that 2-1/2 feet to 1, unless otherwise approved by the Engineering Review Board.)

Petition 18-01 continued:

Mr. Ray Shavers owner of 4081 and 4151 Van Dyke, which are combined into one parcel, noted that he felt that he had been denied his right to allow the rain water to flow its natural course to the North and therefore had to design a new way of rerouting the runoff. Mr. Shavers also noted he would not be able to build on his property without the variances due to the placement of the existing septic field/tank and that the variances were necessary as he intended to install a driveway with access off of Van Dyke. Mr. Shavers also noted that by granting the variances it would not create a public nuisance and would protect the discharging of excess water onto the adjacent properties.

Chairman Bowman noted for the record the reason for the meeting was to consider whether or not to allow a 15 foot variance on the set back of the detention basin and whether or not to allow a variance on the depth to width ratio of the proposed basin.

Engineer Mabery, provided some background history, noting that the property is L-shaped and narrow which challenges the development of the site. Mr. Shavers had first proposed an underground tank with the discharge going to the North. The rate of the water would have been less than what currently flows, but the volume of water would have increased, which cannot be allowed. Engineer Mabery noted that he had discussed some options with Mr. Shavers and his engineer, noting that whatever Mr. Shavers chose, it must meet the standards as set forth in the Engineering Ordinance.

Chairman Bowman suggested that the elevation on the North side of the basin be raised in order to prevent the overflow of water from discharging onto the Nova Metal (4091 Van Dyke) property. Engineer Mabery noted that raising the height of the berm may cause some flooding to the northern property as the water could not flow to its natural course, but the basin could be designed to prevent excess water from discharging to the North by making sure that the pump(s) were properly located and maintained.

Mr. Godo, Mr. Redd, and Mr. Tuggle adjacent property owners expressed concerns that they may be flooded out. Engineer Mabery explained that as designed, the water would sheet flow to the south-west and not to the North or East. Mr. Marks who owns 4091 Van Dyke asked if this was Mr. Shavers best option given the current elevations and site conditions. Mr. Mabery stated that Mr. Shavers property would receive the water and not the properties to the North and East.

Mr. Godo, Mr. Redd and Mr. Tuggle suggested that the Township contact the county and work out a drainage course so that all properties along that section of Van Dyke, between Dryden Road and Hollow Corners Road could receive proper drainage and therefore alleviate potential flooding. Commissioner Lauwers noted that the property owners along that stretch of Van Dyke would need to petition the

Petition 18-01 continued:

Lapeer County Drain Commission and that they would need to take some financial responsibility in creating the new drainage course providing the Drain Commission, MDOT, and the Township agreed.

Hearing no new comments, Chairman Bowman closed the public comment portion of the meeting at 10:53 A.M. EBA members discussed the variance request and the finding of facts.

MOVE BY LAUWERS AND SUPPORTED BY MOORE TO APPROVE THE REQUESTED VARIANCE FROM ALMONT TOWNSHIP ENGINEERING STANDARDS ORDINANCE NO. 49.3 AS AMENDED, ARTICLE 3 SUBSECTIONS #9 AND #10, PRESENTED BY RAY SHAVERS OF 4081 & 4151 VAN DYKE, ALLOWING THE SETBACK OF THE DETENTION BASIN TO BE REDUCED FROM THE MINIMUM 20 FEET SETBACK TO 5 FEET AND THE BASIN TO HAVE A LENGTH TO WIDTH RATIO OF MORE THAN 2-1/2 FEET TO 1, AS IT HAS BEEN SATISFACTORILY PRESENTED THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE SITUATION SUCH THAT A STRICT APPLICATION OF THE PROVISIONS OF THIS ORDINANCE WOULD DEPRIVE THE APPLICANT OF REASONABLE USE OF HIS PROPERTY AND THAT THE VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF THE SUBSTANTIAL PROPERTY RIGHT OF THE APPLICANT, THAT THE GRANTING OF THE VARIANCE WILL NOT BE UNDULY DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO THE OTHER PROPERTY IN THE TOWNSHIP AND THAT SUCH VARIANCE WILL NOT HAVE THE EFFECT OF NULLIFYING THE INTEREST AND PURPOSE OF THE ORDINANCE NOR VIOLATE THE PROVISIONS OF OTHER STATE AND FEDERAL REGULATIONS. THE DESIGN MUST BE SUCH THAT EMERGENCY DISCHARGES TO THE SOUTH AND NOT ONTO THE NORTH PROPERTY. ANNUAL MAINTENANCE OF ALL EQUIPMENT, DOWNSPOUTS, DRAINPIPES AND PUMPS MUST BE COMPLETED. DESIGN MUST ALSO CONFORM TO ALL OTHER TOWNSHIP ORDINANCES.

Discussion was held on whether a public hearing was required prior to approving the minutes. Chairman Bowman stated he would contact the Township attorney. If another meeting was not required a motion was made by Lauwers and approved by Moore to approved the minutes when prepared. Motion carried. If the EBA has to meet again, they agreed to meet at 8 A.M. on Monday, May 21, 2018.

MOVED BY LAUWERS AND SUPPORTED BY MOORE TO ADJOURN AT 11:13 A.M. MOTION CARRIED.

Respectfully submitted by:

Ida L. Lloyd.

Ida L. Lloyd, Recording Secretary

Engineering Board of Appeals Meeting

May 21, 2018

A meeting of the Almont Township Engineering Board of Appeals was called to order at 8:06 A.M. by Supervisor Paul Bowman at the Almont Township/Village Hall, 817/819 N. Main Street, Almont, Michigan. Roll was taken.

MEMBERS PRESENT: Supervisor Paul Bowman and Planning Commissioner Mark Lauwers

MEMBERS ABSENT: Zoning Board of Appeals member Jerry Moore was excused absence.

ALSO PRESENT: 0 guests

MOVED BY LAUWERS AND SUPPORTED BY BOWMAN TO RECEIVED THE MINUETS FROM THE MAY 16, 2018 MEETING AS AMENDED. MOTION CARRIED.

CHAIRMAN BOWMAN ADJOURNED THE MEETING AT 8:10 A.M.

Respectfully,

Ida L. Lloyd

Ida L. Lloyd, Recording Secretary