

ALMONT TOWNSHIP  
ZONING BOARD OF APPEALS  
March 21, 2012

The meeting of the Almont Township Zoning Board of Appeals was called to order at 7:00 P.M. by Chairman Schenburn. The meeting was held at the Almont Township Hall 819 N. Main Street, Almont, Michigan. Pledge of Allegiances was recited and roll was taken.

**MEMBERS PRESENT:** Larry Malburg, Jerry Moore, Dave Schenburn, Kim Streeter, and Clay Stroup.

**MEMBERS ABSENT:** None

**ALSO PRESENT:** 4 Guests

**MINUTES: MOVED BY STREETER AND SUPPORTED BY STROUP TO RECEIVE THE SEPTEMBER 28, 2011 MINUTES AS PRESENTED. MOTION CARRIED.**

**1<sup>ST</sup> HEARING:** Application #12-001 - Ligon Trust – Variance from Zoning Ordinance No. 39, as amended, Article 2, Sections 2.12 and 2.15 – Frontage.

Chairman Schenburn asked the applicant to explain why he was requesting the variance. Mr. James Ligon, Jr. noted that the former Ligon compound consists of 3 parcels. The parcel in question is the middle parcel (parcel "A") which is currently 14 acres in size. Mr. Ligon noted that he would like to divide 2 acres off of the 14 acres, thereby creating two parcels. The new 2 acre separate parcel he would like to create would incorporate the former research and development building and adjoining parking area but would not have road frontage except for what would be created with an easement. The septic for the R&D building is on its own sector of the common field and is part of the established easement which was created in 2006. There is a drinking water well on the site and established drainage easements that the property would share with the other buildings on property.

Chairman Schenburn opened the meeting to public comments at 7:07 pm. A question was asked to clarify the owners of the two adjoining parcels. Mr. James Ligon, Jr. noted that the parcels to the north and to the south of parcel "A" were part of the James Liogn, Jr. Trust. Due to no further questions, Chairman Schenburn closed the public comment portion of the meeting at 7:08 pm.

Application #12-001 Continued:

Chairman Schenburn asked for board comments. The commissioners discussed the requested variance and the applicant's clarified issues relating to future land owners, easements, septic issues, well concerns, history of the site and future plans for growth.

**MOVED BY STREETER AND SUPPORTED BY SCHENBURN TO GRANT VARIANCE REQUEST #12-001 AS SUBMITTED BY JAMES LIGON JR, TRUST AND APPROVE THE VARIANCE REQUEST BASED ON THE FOLLOWING REASONS:**

1. STRICT COMPLIANCE WITH THE REQUIREMENT FOR ROAD FRONTAGE WILL HAVE THE EFFECT OF UNREASONABLY PREVENTING THE PROPERTY OWNER FROM USING THE PROPERTY FOR A PURPOSE PERMITTED BY THE ORDINANCE OR WOULD BE UNNECESSARILY BURDENSOME.
2. SUBSTANTIAL JUSTICE WOULD BE ACHIEVED FOR THE APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN THE DISTRICT IF THE VARIANCE IS APPROVED.
3. THE REQUESTED VARIANCE IS THE LEAST RELIEF IN ORDER TO AFFORD SUBSTANTIAL JUSTICE FOR THE PROPERTY OWNER INVOLVED.
4. THE PRACTICAL DIFFICULTY IS DUE TO UNIQUELY IDENTIFIED CHARACTERISTICS OF THE PROPERTY AND NOT RELATED TO GENERAL CONDITIONS IN THE AREA OF THE PROPERTY.
5. THE PRACTICAL DIFFICULTY IS NOT SELF-CREATED AS THE SITE IS AN APPROVED USE IN THE ZONING DISTRICT IT IS LOCATED.

**THE ZBA DOES NOT INTEND TO CREATE A PRECEDENT WITH THE GRANTING OF THIS VARIANCE, RATHER THE ZBA INTENDS TO ADDRESS AN EXISTING AND SEPARATE PARCEL EASEMENT WITHIN AN INDUSTRIAL COMPOUND CONTAINING MULTIPLE BUILDINGS SPREAD OVER 31 ACRES.**

**ADDITIONAL REASONS FOR THE GRANTING OF THIS VARIANCE ARE AS FOLLOWS: THE PREEXISTING ACCESS WAS NOT CREATED FOR THIS ZBA REQUEST. RATHER IT HAS BEEN A PERMANENT, ESTABLISHED, ENGINEERED, WELL-MAINTAINED AND PRE-EXISTING ACCESS THAT WAS RECOGNIZED BY THE TOWNSHIP AND UTILITIES FOR MANY DECADES PRIOR IN ORDER TO ALLOW ACCESS TO A MAJOR STATE ROAD (M-53).**

**THE EXISTING INDUSTRIAL SITE HAS BEEN IN CONTINUATION OVER 45 YEARS AND WAS NOT ORIGINALLY BUILT BY THE APPLICANT.**

**THE ZBA NOTES THAT THE NEWLY CREATED PARCEL IS SERVED BY ITS OWN WELL. HOWEVER, IT APPEARS A SHARED SEPTIC SYSTEM AND EASEMENT SERVICES THE SURROUNDING BUILDINGS/PARCELS AND THE NEWLY CREATED**

Hearing Application #12-001 Continued:

**PARCEL AT THIS TIME. THE SEPTIC SYSTEM IS NOT LOCATED ON THE NEW PARCEL. THE ZBA UNDERSTANDS THAT ENOUGH ACREAGE IS AVAILABLE TO BUILD A SELF CONTAINED SEPTIC SYSTEM ON THE NEWLY CREATED PARCEL IF NEEDED IN THE FUTURE.**

**THE ZBA UNDERSTANDS THE EASEMENTS (SEPTIC/WASTE WATER AND ACCESS) EXIST FOR ALL FUTURE OWNERS OF THE SURROUNDING PARCELS. ALL PARCELS AFFECTED BY THESE EASEMENTS ARE TO BE MADE AWARE OF THE TERMS AND CONDITIONS OF THE ACCESS AND WASTE WATER EASEMENTS AND OF THE ZBA VARIANCE GRANTED. THE APPROVED MINUTES OF THE ZBA MEETING HELD ON MARCH 21, 2012 ARE TO BE RECORDED WITH THE DEEDS OF THE NEWLY CREATED PARCEL AND THE SURROUNDING PARCELS. COPIES OF THE APPROVED ZBA MINUTES FROM THE MARCH 21, 2012 MEETING ARE TO BE KEPT IN THE TOWNSHIP RECORDS AND INDIVIDUAL PARCEL ACCESSING FILES. BY DOING THIS, ALL PROPERTY OWNERS WILL BE INFORMED OF THE EASEMENTS THAT AFFECT ALL OF THEIR PARCELS IN PERPETUITY.**

**BECAUSE THE SIZE OF THE BUILDING ON THE PARCEL TO BE CREATED IS LESS THAN 7,000 SQUARE FEET AND SURROUNDED BY TREES, THE ZBA DOES NOT FORESEE A PROBLEM WITH EMPLOYEE PARKING AND LARGE TRUCK ACCESS. THE BUILDING SIZE AND PARCEL SIZE LIMIT ITSELF WHEN ADDRESSING FUTURE GROWTH.**

**ROLL CALL VOTE: STREETER – YES, SCHENBURN – YES, STROUP – YES, MOORE – YES, MALBURG – YES. MOTION CARRIED.**

**MATTERS FOR DISCUSSION:** Consensus of members agreed to meet on March 28 at 7:00 PM to approve the minutes and sign the Final Decision Form.

**MISCELLANEOUS:** None

**ADJOURNMENT:** Chairman Schenburn adjourned the meeting at 7:20 PM.

Respectfully Submitted by:

  
Ida L. Lloyd, Recording Secretary