

ZONING BOARD OF APPEALS
Ontwa Township, Cass County, Michigan

DRAFT MINUTES

Tuesday, March 27, 2018
6:30 PM (EST)

Ontwa Township Hall
26225 US12, Edwardsburg

Members Present: Sandra Seanor, Judy Kukla, James Forlenza, Joan Sniadecki, Jeff Brown, Steven Foster, Joe Tredway

Other Present: Zoning Administrator, Leroy Krempec, Applicant Ronald Glick and Marjorie Glick, Supervisor Jerry Marchetti, and Paul Sniadecki.

The meeting was called to order by Chairman Brown, followed by the Pledge of Allegiance.

Approval of Agenda:

Chair Brown called for approval of agenda for the evening. A motion was made by Sandra Seanor, seconded by James Forlenza to accept the agenda as presented. All in favor. Motion passed.

Approval of March 28, 2017 Minutes:

Chair Brown requested recording secretary, Brigid Forlenza - read the minutes for the record.

A motion was made by Sandra Seanor and seconded by James Forlenza to approve the minutes as amended (adding Seanor last name to motion on page 1). Chair Brown called for a voice vote. All were in favor of the motion and the motion passed.

New Business:

Election of Officers: 2018-2019

Motion was made by Judy Kukla and seconded by Steve Foster to elect Jeff Brown – Chairman, James Forlenza – Vice Chairman, Brigid Forlenza – Recording Secretary. Chair Brown called for a voice vote. All were in favor of the motion and the motion passed.

Chair Jeff Brown read into record Section 21.08. VARIANCES PROHIBITED (AMENDED 6/13/16)

No variance in the provisions or requirements of this Ordinance shall be approved by the Board of Appeals unless it finds from reasonable evidence that such variance meets all of the standards below:

- 1) That the requested variance is not contrary to the public interest or to the intent and purpose of the Ordinance.
- 2) That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
- 3) That there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
- 4) That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Zoning Variance: 14-090-013-038-00 – Accessory Building

Applicant and Owner of Record: Ronald Glick
22232 Redfield Road
Edwardsburg MI 49112

Zoning Administrator Report:

Notification of Public Hearing letters were mailed to seven neighboring property owners within 300 feet of said property.

Applicant/owner of above mentioned property; located at 22232 Redfield Road, Edwardsburg MI, 49112 is seeking to build a pole barn on his property. The pole barn building will measure 40 x 56 x 14 for a total of 2,240 square feet.

Chair Brown read Public Hearing rules.

Petitioner Comments:

Mr. Glick related he is retired and needs to build a structure 40 feet x 56 feet to accommodate parking an RV and creating space for hobbies: i.e. metal working and an art studio. The building would meet setbacks and will not impede neighbors. He related he is asking for consideration as other neighboring properties have large pole barns.

Three neighboring property owners signed statement that they were not opposed to their request for variance. Recording Secretary read letter for board members.

Public Comments:

Chair Brown asked for public comments none were received.

Chair Brown requested a motion to close public comments: Sandra Seanor made a motion to close public comments seconded by James Forlenza. All in favor. Motion passed. Comments closed.

Motion:

After reviewing the applicants stated request I'd like to make a motion:

Move to deny the applicants request for a variance based on it stated purposes under section 21.08

As noted in the applicants written response:

1. The requested variance is necessitated by a self-created condition: the applicant describes in his request for a variance that the reason for his variance request is because: "the metal working and artist hobby areas in home and garage have been outgrown" by (he) and his wife... This does not meet the zoning standard as the need is self-created.
2. After viewing the parcel data for the property involved and personally viewing its location: There is no exceptional or extraordinary circumstance or physical conditions (narrowness, shallowness, shape or topography of the property) that does not apply to other properties in the same zoning district. This request does not meet the zoning standard.
3. The applicant states that another neighbor to the west has a larger square foot pole barn and some other neighbors have pole barns too, he also states one has a 30 x 40 building. The zoning ordinance allows for 864 sq. ft. building, but the applicant wants a 2,240 sq. ft. pole barn, far larger than any in the area that I saw when reviewing the area. Additionally, the applicant also has a non-conforming shed that exceeds 300 sq. ft., far larger than the allowed 120sqft. and the same shed is located in the front yard, which is not allowed by the ordinance. Therefore the variance request does not meet the standard.
4. The applicant states that his neighbors have signed a letter approving the variance. Such a letter does not change the zoning requirements, or the intent of the ordinances as written.

In order for a variance to be granted all four of the standards under section 21.08 must be met. This request does not meet any of the standards as described. As noted, I make the motion to deny the application for the afore detailed reasons.

Sandra Seanor made the motion to deny the variance, seconded by Judy Kukla. Roll call vote was held. All in favor of motion. James Forlenza, Judy Kukla, Joan Sniadecki, Sandra Seanor, Steve Foster, Joe Tredway, and Jeff Brown. Motion passed. Variance denied.

Old Business:

Chair Brown set calendar for meeting dates for the 2018 – 2019 fiscal year. Sandra Seanor made a motion to approved dates, seconded by James Forlenza. All in favor. Motion passed.

Committee Reports:

Sandra Seanor announced at last Planning Commission meeting, Chair Marbach reinstated/reappointed the Zoning Ordinance Committee. This committee includes Zoning Board Chair Jeff Brown, Planning Commission Chair, Chris Marbach, Sandra Seanor member of the Planning Commission and the ZBZ, Dawn Bolock, BOT member, and Leroy Krempec, Zoning Administrator.

Adjournment:

Hearing no additional announcements or comments, Chair Brown adjourned the meeting at 7:12PM.


Brigid Forlenza
Recording Secretary