



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130
TELEPHONE: 734-426-3767
FAX: 734-426-3833
WWW.DEXTERTOWNSHIP.ORG

BROOK SMITH
CHAIRPERSON
BETH FLIP
VICE CHAIRPERSON
JAY HOLLAND
SECRETARY
JAMES DROLETT
BILL GAJEWSKI

JAMES CORMIER, ALT.

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday September 5, 2017

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Jay Holland.
Absent: With notice, James Drolett, with notice, Bill Gajewski, Don Darnell.

Also present: Zach Michels, Director of Planning and Zoning (DPZ), Janis Miller, Recording Secretary, and members of the public.

- I. **Call to Order:** The meeting was called to order by Vice-Chairperson Filip at 6:05 p.m.
- II. **Pledge of Allegiance:** Chairperson Smith led the Pledge of Allegiance to the Flag.
- III. **Approval of Agenda:**
Moved Filip, seconded by Holland, to approve the agenda as presented.
Motion carried by voice vote.
- IV. **Public Comment- Non Agenda Items:** None
- V. **Action Items:**
Chairperson Smith addressed both applicants with the statement that there were only three (3) of the five (5) ZBA members present, meaning they would need a unanimous vote of all three to grant their appeal, and they might have a better chance with a full Board next month. Chairperson Smith stated that the applicants could postpone now, before their case was heard, or proceed to the point prior to ZBA member deliberations, and then they could request postponing.

1. Introduction of the case:

Action Item: # 1
Appeal Number: (17-ZBA-834) Jackson
Applicant Name(s): Mark and Chantel Jackson
Property Tax ID: (D-04-17-200-003)
Address: 13436 North Lake, Gregory, MI
Purpose of Variance Request: <i>Reduced rear-yard setback of nine point five (9.5) feet rather than the twenty-two point five (22.5) feet required.</i>

2. Report from the Director of Planning & Zoning:

DPZ Michels noted that the rear-yard setback varies on the height of the accessory building; the accessory building in this case is 22 ½ feet. There are other issues that don't match the current Zoning Ordinance, with the possibility of administrative solutions, following approval of the variance. There has been no receipt of correspondence from neighbors.

3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:

Smith: I can't understand the relationship between the proposed garage, which appears to overlap the existing garage on the south side, yet the drawings of the proposed garage show differently.

DPZ Michels: The plan doesn't show the different elevations.

Filip: Zach, when you mentioned that the lot coverage could be dealt with administratively, is that an issue of demolishing one house? As it stands, the proposed garage is too big.

DPZ Michels: Yes.

Filip: And the lot coverage, prior to adding the proposed garage, is also too big?"

DPZ Michels: It would push it over. There are a couple of options available. They are not here tonight to get a zoning permit, but to request a variance for a rear-yard setback. If the variance is approved, there are several ways they can address the lot coverage.

Holland: Based on the height of the structure, are they asking for a variance for a side setback also?

DPZ Michels: No. In 1973 the ZBA granted a variance to construct the original garage under the power lines.

Holland: The intent is to leave the original garage?

DPZ Michels: Yes, as they would not be able to rebuild today due to building code setbacks from the overhead powerlines.

4. Applicant presentation and Q&A with the Zoning Board of Appeals:

Chantel Jackson: We've tried to make this as simple as possible and keep the variances minimal, with just one for the rear-yard setback. The existing garage is located right under the power lines and cannot be rebuilt due to DTE's ten (10) foot clearance requirement. The proposed garage would be connected to the existing garage as phase one, to be done this year. In an effort to keep the disturbance as little as possible to our neighbors, we planned to build after Labor Day and well before Memorial Day, so they can enjoy their outdoor activities. We have chosen to live here full time and would like to put our three vehicles inside. Next fall [2018] we will demolish the house and rebuild it attached to the existing garage. At that time there would be no accessory building, as all the buildings would be attached. By moving the house back, we can get four or six feet further from the road, which is our objective. By having a very small lot, with power lines running through the middle, and trying to get everything inside [lot lines], with the least impact to our neighbors, we've scheduled one phase [garage] this fall and the next phase [house] next fall.

Smith: I forgot to ask you, before you started your presentation, if at this point you would like to postpone the hearing on this until there are five members of the ZBA to hear your matter.

Chantel: I would like to hear the comments. I started engaging Zach back in March in an effort to improve our property, expand the value, and try to meet your objectives. When I initially submitted the plans, I was under the understanding that the current lot coverage was

25%, with the new proposed draft [Zoning Ordinance] potentially at 30%. When I submitted the request I knew we would be very close to the 25%, and then we would have to decide, when we built the new home, if we would have to adjust the size of the home. Just last week I was made aware that the road right-of-way is not included in the lot area, which drastically changed my understanding overnight. Knowing that the road right-of-way is taken out, and not knowing if the 30% lot coverage will become effective next year, the survey of the proposed garage is not correct but I would like to keep the garage at 30 feet wide and 25 ½ feet deep instead of shrinking it.

Holland: The dimensions of the garage you are requesting are not as submitted to us?

Chantel: It was after I submitted that I was made aware of the road right-of-way not being included. Last week I submitted a drawing that is 30 feet wide and 25 ½ feet deep.

Holland: So you are requesting a smaller variance? Or not connecting to the existing garage? Zach, if they change the size of the proposed garage from 28 feet to 25 ½ feet, they would need a smaller variance than what they are requesting?

DPZ Michels: They are here for 22 ½ feet back, unless you approve just the structure that is here, they can make it smaller or change either side, they can't change it in a manner that increases the variance that is required.

Smith: I'm confused as to how that interacts with the minimum amount necessary to use the property. If we already know they may not need this large a variance, on what basis would we grant this large of a variance?

DPZ Michels: You should be looking at *reasonable amount* necessary, not *minimum amount* necessary.

Smith: Let me restate: Is the amount requested a reasonable amount necessary to use the property, and if we already know that you can build what you need with less of a variance, is it reasonable of us to decide to give you more? We are listening to your issue and figuring out the right solution, both to comply with what we are supposed to do and also get you the relief you are asking for.

Holland: Zach, for their phase two, will they need future variances to construct the house?

DPZ Michels: It is difficult to say because there are no plans and current Zoning Ordinance developmental standards, for anything built on that property, will require variances. They have looked at possibilities to build a new home that will not require variances.

Holland: Are they allowed to have a two family home on a Lake Residential (LR) lot?

DPZ Michels: They are not. There are administrative ways to deal with that and they've been informed of a couple of those options. They are not asking for a zoning permit tonight.

Filip: Where does the front of the existing garage fall within the 10 foot easement required for the DTE setback?

Chantel: It's a 24 foot by 24 foot garage and the power lines run through the middle of it. The easement is about 10 ½ feet off the back and 11 feet off the front.

Smith: The new proposed garage is not within the 10 feet?

Filip: So, other than convenience, what prevents you from knocking the house down now and attaching that to the garage, and having everything fully attached within your setbacks?

Chantel: The draft Zoning Ordinance hasn't gone through, which would increase lot coverage from 25% to 30%. We have a very small lot, with three vehicles, boat, and kayak, so the extra lot coverage would go a long way. Knowing how small the lot is, our concern was staging all the building at once and how it impacted the neighbors.

Holland: Plus a place to live during construction.

Chantel: It would be a huge benefit, but I'm trying to look long term. When my son comes home from college, he would have a place to stay, and when he has a family they would also have a place to stay. Knowing it is a very small lot with a lot coverage cap, I'm trying to do the best I can with long-range planning.

Smith: Am I correct, your garage is going to be the only two-story structure along that back line area in your neighborhood?

Chantel: There is a pole barn, not two stories but much higher than 10 feet, a few lots away.

5. Open Public Hearing on agenda item: 6:34 p.m.

DPZ Michels noted there were no letters from neighbors.

Luann Booth, 13560 North Lake Road, Gregory, MI

She supported the applicants wish to build the two story garage and noted there are other two story structures around the lake.

Howard Booth, 13560 North Lake Road, Gregory, MI

Stated the Jackson's request for building the garage was reasonable.

Shirley Bitters, 13446 North Lake Road, Gregory, MI

She was in favor of the Jackson's request to build the garage.

Richard Neff, 13432 North Lake Road, Gregory, MI

He supports the applicants 100%.

6. Close Public Hearing on agenda item: 6:36 p.m.

Chairperson Smith asked the Jackson's if they wanted to continue with only three (3) Zoning Board of Appeal members present. Chair Smith reminded them that they needed all three Board members to vote in their favor to get the appeal.

Mark and Chantel Jackson indicated they wanted to continue with the appeal.

7. Zoning Board of Appeals deliberations and Standards of Review:

Smith: The issue is if this is a reasonable amount necessary. There are not a lot of good solutions. They could shrink the garage size but that would create problems on the north side.

Holland: I agree.

Filip: The problem is the power lines that cut through the property.

<p>(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:</p>	<p>18.18(C) Rear-yard</p>
<p><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></p>	<p><u>YES</u> Filip Holland Smith</p>
<p>Notes: Filip – The power lines cut through the property causing a practical difficulty. Holland – Concur with Beth's comment.</p>	<p><u>NO</u> None</p>

(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	18.18(C) Rear-yard
<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>	<u>YES</u> Filip Holland Smith
Notes: Filip – Peculiar to the property are the power lines that cut across it. Holland – I agree.	<u>NO</u> <i>None</i>
(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	18.18(C) Rear-yard
<i>The practical difficulty is not self-created.</i>	<u>YES</u> Filip Holland Smith
Notes: Lewis – The applicant did not put the power lines across their property.	<u>NO</u> <i>None</i>
(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	18.18(C) Rear-yard
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u> Filip Holland Smith
Notes:	<u>NO</u> <i>None</i>
(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	18.18(C) Rear-yard
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u> Filip Holland Smith
Notes: Lewis – There are no injuries to the public if this variance is granted.	<u>NO</u> <i>None</i>
(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	18.18(C) Rear-yard
<i>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</i>	<u>YES</u> Filip Holland Smith
Notes: Lewis – Improving this property will improve the neighborhood and benefit the adjacent properties.	<u>NO</u> <i>None</i>

<p>(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:</p>	<p>18.18(C) Rear-yard</p>
<p><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i> Notes:</p>	<p><u>YES</u> Filip Holland Smith</p> <p><u>NO</u> None</p>

8. Motions by the Zoning Board of Appeals:

Moved by Filip, ***seconded*** by Holland, to approve variance (17-ZBA-834) Jackson, at 13436 North Lake Rd., Gregory, MI, property id (D-04-17-200-003), to applicants Mark and Chantel Jackson, for a reduced rear-yard setback of nine point five (9.5) feet rather than the twenty-two point five (22.5) feet required, according to §18.18(C) of the Zoning Ordinance, and recognize the nonconformities, as outlined in the staff report.

Discussion on the size of the dormer with an amendment & condition added to motion: Ms. Filip added the condition: *The dormer on the garage will be constructed substantially as presented in the submitted appeal paperwork.* Mr. Holland seconded the amendment.

Roll Call Vote: Yeas – Holland, Filip and Smith: Nays - none: Abstain - none: Absent – Drolett, Gajewski, and Darnell.
Amended Motion passed with all 3 members present voting yes.

Item # 2:

1. Introduction of the case:

Action Item #2
Appeal Number: (17-ZBA-835ABCDEFG) Ore Creek
Applicant Name(s): OC3 Holdings LLC
Property Tax ID: (D-04-01-480-004)
Address: 9280 McGregor, Pinckney, MI

A) Purpose of Variance Request: A) Reduced side-yard (east) setback of six (6) feet rather than the seven (7) feet required; B) Reduced side-yard (west) setback of six (6) feet rather than the seven (7) feet required; C) Reduced side-yard (garage) setback of five (5) feet rather than the five point six (5.6) feet required; D) Increased accessory building wall height of eleven point five (11.5) feet rather than the six (6) feet allowed; E) Increased accessory building peak height of twenty-two point nine (22.9) feet rather than the eight (8) feet allowed; F) Increased accessory building coverage of seven hundred forty point two (740.2) square feet rather than the one hundred (100) square feet allowed; and G) Increased accessory building façade width of twenty-six point nine (26.9) feet rather than the ten (10) feet allowed.

2. Report from the Director of Planning & Zoning:

DPZ Michels noted this is a small commercial venue and the Planning Commission had already granted a waiver for landscaping requirements in (F) Screening, so it has been deleted from the variance request. The concrete pad north of the garage door

was installed without a zoning permit and did not conform to the standards at the time; therefore it does not qualify for special protection as a legally-nonconforming structure. The driveway width is 160 feet but was noticed at 172 feet. As outlined in the staff report, there are many nonconformities on the property. One letter was received from a neighbor.

3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:

Filip: The curb cut is one hundred sixty point four (160.4) feet but the lot only has one hundred sixty (160) feet of frontage?

DPZ Michels: That was a clerical error.

Smith: Zach, we're pretty much starting from ground zero on this because this property has not been used for some time? They don't have any vested rights in an existing commercial use of the property?

DPZ Michels: The building hasn't been used for a while but that doesn't mean the legal nonconformities for structures disappear. There are a number of nonconformities as listed in 2-E on page 2-4 of the staff report. There is parking proposed between this building and McGregor Rd., which receive the legal nonconforming protection, however, in order to get the necessary building capacity, they have to add new parking. The proposed new parking lot can't meet any of the setbacks because the lot is not big enough. These variance requests are related to the new parking.

Smith: Why isn't it the same curb cut that was there for the Log Cabin Hardware?

DPZ Michels: Not entirely. There is reconfiguration for parking north of the building, so the entire parking lot shown is new, which opens it up for review.

Smith: So what you are saying is, when Log Cabin was in there, they didn't use that entire frontage for parking?

DPZ Michels: Not as it's configured in these plans, correct.

Smith: How does that relate to the curb cut? Didn't they use the same curb cut as before?

DPZ Michels: No.

Smith: What was the side-yard setback as used by Log Cabin, variance request *D) Reduced side-yard setback of seven point three (7.3) feet.*

DPZ Michels: What's shown on page two is the existing conditions, although these were done after improvements were already done to this site. You can see clearly the paved parking space, which we say you have to have in a commercial lot, does not extend all the way to the lot line.

Filip: It looks like there are parking bumper blocks on the north side of the building where the proposed new parking lot is going.

DPZ Michels: That area was previously grass. That was not there when the building was purchased.

Filip: It appears there have been considerable improvements made since there was a site plan review of any type.

DPZ Michels: There has never been a site plan for this property.

Smith: So, calling this existing conditions doesn't relate to the existing conditions of Log Cabin Hardware, the existing conditions relate to when the surveyor drew this up.

Holland: Where are they relocating the existing gravel driveway to on the north side?

DPZ Michels: The [next door] property owner has used that for decades. The applicant can speak to the issue.

Filip: Zach, I'm finding practical difficulty exists intertwined with use [commercial] because there are many types of commercial uses. The commercial use to which the applicant is

setting forth is a particular use under the subset of commercial uses that requires this many parking spaces.

DPZ Michels: For reasonable use you don't look at highest and best use. Based on how this building is configured, it is toward the lower end of could have been required for parking.

Filip: The loading and unloading is tied into this, because you can't have loading/unloading in yards, but there is no other place for loading/unloading?

DPZ Michels: The yards overlap.

Smith: What is the use that mandated this number of parking spaces?

DPZ Michels: The Planning Commission determined, at its review of completeness, that it was a mix of restaurant/tavern and retail. The tasting room is going to be one space for every two patrons. The retail area is based on square footage. The remainder, of the parking, was based on the number of employees.

4. Applicant presentation and Q&A with the Zoning Board of Appeals:

Chairperson Smith asked the applicants if they wanted to continue with only three (3) Zoning Board of Appeal members present. Brandon Bond stated they wanted to hear what the ZBA members were thinking up to deliberations.

Applicants Jay Denton and Brandon Bond; Tim Zimmer, Sr. Project Engineer for Ore Creek, Livingston Engineering, Brighton, MI, and Josh Ratliff, Livingston Engineering, Brighton, MI.

Zimmer: In terms of the variances, we've played with a different number of layouts trying to the parking in a useable and organized fashion, so people can get in and out safely, while dealing with setbacks that limit any parking in the available space. We've worked hard with staff to work out the parking issues and reduce backing out onto McGregor Road. We reconfigured the parking along the side to get cars off the street, and with fewer spaces to allow backing up and exiting face forward.

Smith: Do I understand that your proposed plan worked whether or not you are successful in adversely possessing the property to the north?

DPZ Michels: The neighbor is trying to get the part where his driveway comes in.

Smith: The plan says "relocate existing gravel driveway from adjacent property". The existing driveway is already there, and you do, or do not, have title to that piece of property?

Bond: We do have title to the piece of property. The situation with the driveway is the landscape requirements. The neighbor has been there for 45 years and we don't have a problem with that as his driveway runs along there [property edge]. It was suggested that if it was required that we have to utilize any of his [driveway] space, that is actually our space, that we would volunteer to move his driveway over a little bit.

Filip: Is that agreed upon in writing?

Bond: No that was the suggestion of the township staff.

Filip: That distance, the 4.4 feet distance between where the building is now and the property line, has always been there?

Bond: Correct. Over time, with the hardware sitting vacant, the driveway has increased.

Filip: Do you know when the concrete pad was put in?

Bond: Approximately eighteen months ago.

Filip: There was never a variance granted for that 4.4 foot distance from the property line?

Bond: No.

Holland: Who owns that property to the north where you want to relocate the driveway to?

DPZ Michels: It's also the neighbor to the east, the house along the Huron River that is located in Webster Township.

Holland: That strip of land was intended to be a shared driveway?

DPZ Michels: Driveway access to the house behind.

Holland: So, the driveway has crept to the south?

Bond: Basically the turning radius. Our first presentation to the Planning Commission consisted of parking out front. I don't know if it would have been qualified as a driveway or just terminology that's being used.

Denton: We are working in a very constrained area, a long known problem there. We're trying to improve the situation, including shared parking with the party store next door. Obviously adding parking spots is going to alleviate a lot of the issues. One of the required variances is part of the issue with the neighbor, who we want to work with. The restrictions set by the Zoning Ordinance have created this problem, but this is a viable commercial property in the Township, and we want to address parking and get the variances approved.

Filip: How long have you owned the property?

Denton: Three years, we bought it as an investment, commercial real estate.

Holland: You own the business and the property?

Denton: Correct.

Holland: That has a lot to do with intent, perception of use.

Bond: I will note that after it was purchased, we went before the Board, as part of the licensing process, and asked permission to operate as a winery, and was granted that permission. That is what started this whole process.

Smith: The neighbor, that owns the property between you and the river, presently has to go across your driveway to get to his house?

Bond: No.

Zimmer: Through the site plan process it was brought to our attention that we would have to massage that in order to make everyone happy.

5. Open Public Hearing on agenda item: 7:14 p.m.

Thomas Milligan, 9300 McGregor Road, Pinckney, MI

He stated the parking would be extremely close to his back yard and would reduce his property value. He was concerned with the amount of pavement and lack of grass as well as the headlights coming in his back windows. He was wondering how the setbacks were enforced.

DPZ Michels: This is a commercial site plan so we ask them to comply, but if they don't comply it's a revocation of the site plan and we can shut it down.

Smith: The screening issue is also handled by the Planning Commission.

Ron Clark, 9249 McGregor Rd, Pinckney, MI

He would like to clear up the blight, making something useable, so he is in support of Ore Creek.

6. Close Public Hearing on agenda item: 7:22 p.m.

Chairperson Smith asked the applicants if they wanted a decision tonight or to postpone for a month.

Brandon Bond indicated they would continue.

7. Zoning Board of Appeals deliberations and Standards of Review:

Filip: Zach, that 7.3 foot distance between the parking lot and the northern boundary line, I don't see a proposal for a buffer, or plan for screening there. We don't want someone confusing the driveway for the remainder of the property and a buffer there would be a visual reminder that the driveway is the neighbors.

DPZ Michels: It would be required. On page four of the drawing it shows a Red Maple. There will be a fence that will go along the parking.

Zimmer: There is an existing fence that will be improved.

DPZ Michels: One of the conditions of the Planning Commission's approval is, the final site plan needs to show more details about the fencing.

Holland: I am sensitive to Mr. Milligan's request for screening. That is addressed in the site plan with the Planning Commission but we can make it one of our conditions. I think they have worked hard to take a building that was potentially blighted, and they are trying to meet the Townships requirements for parking, no matter what business goes in there, the setbacks for parking will always be an issue.

Filip: What do you feel for the loading/unloading?

Holland: So much of that is what is the loading/unloading going to be used for. Is it for shipping or deliveries?

Bond: It's for deliveries. The deliveries, for a commercial property, are for a short time, when the apples are available seasonally. That is why we can schedule deliveries on Monday and Tuesday. The pressing is done in northern Michigan, so the only thing coming in is the fresh pressed juice.

Smith: You are not wholesaling, or shipping product, out from this location?

Bond: We are not licensed, or bonded, to ship large quantities. We are a local product, servicing the local area. Through the Federal taxing bureau, and our license, we cannot ship statewide. We only ship small amounts locally, within in three counties.

Smith: So you will not be exporting from this facility?

Bond: Only the three counties.

Mr. Milligan: Will they be bottling, canning or putting the product in kegs to be delivered other than in their building?

Bond: The canning and putting it in kegs will be done off-site.

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B	C	D	E	G
	21.02(F) Queuing	21.04(B)(1) Driveway	18.23(A)(1)m Front-yard	13.01(E)(3)b Side-yard	13.01(E)(3)b1 Rear-yard	21.05(E) Loading
The strict application of the terms of this Ordinance would constitute a practical difficulty.	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith
Notes: Filip – Due to the size of the lot. Smith – I concur.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B	C	D	E	G
	21.02(F) Queuing	21.04(B)(1) Driveway	18.23(A)(1)m Front-yard	13.01(E)(3)b Side-yard	13.01(E)(3)b1 Rear-yard	21.05(E) Loading
Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith
Notes: Filip – With the understanding the Planning Commission is addressing the screening issue. Holland – I concur. Smith – The chair agrees with that assessment also.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B	C	D	E	G
	21.02(F) Queuing	21.04(B)(1) Driveway	18.23(A)(1)m Front-yard	13.01(E)(3)b Side-yard	13.01(E)(3)b1 Rear-yard	21.05(E) Loading
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith	<u>YES</u> Filip Holland Smith
Notes:	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

8. Motions by the Zoning Board of Appeals:

Moved by Filip, **seconded** by Holland, to approve the variances for petition (17-ZBA-835ABCDEG) Ore Creek, 9280 McGregor, property id (D-04-01-480-004), for **A**) Reduced queuing distance of zero (0) feet rather than the fifty (50) feet required, according to §21.02(F) of the Zoning Ordinance; **B**) Increased driveway width of one hundred sixty point four (160.4) feet rather than the thirty-six (36) feet allowed, according to §21.04(B)(1) of the Zoning Ordinance; **C**) Reduced front-yard (street) setback of zero (0) feet rather than the eighty (80) feet required for parking, according to §18.23(A)(1)m of the Zoning Ordinance; **D**) Reduced side-yard setback of seven point three (7.3) feet rather than the thirty (30) feet required for parking, according to §13.01(E)(3)b of the Zoning Ordinance; **E**) Reduced rear-yard setback of eight (8) feet rather than the sixty (60) feet required, according to §13.01(E)(B)b1 of the Zoning Ordinance; and **G**) Loading/unloading area within the required front, side, and rear-yard setbacks, according to §21.05(E) of the Zoning Ordinance; to recognize the nonconformities on page 2-4, Section 2-E of the staff report, with the understanding that the Planning Commission address the screening issue.

Roll Call Vote: Yeas – Holland, Filip and Smith: Nays - none: Abstain - none: Absent – Drolett, Gajewski and Darnell. Motion passed with all 3 members present voting yes.

VI. Public Comment – None

VII. Approval of Meeting Minutes:

Moved by Filip, **seconded** by Holland, to approve the minutes of the August 8, 2017 Regular Meeting. **Motion carried by voice vote.**

VIII. Concerns of Board Members, Director of Planning and Zoning, Recording Secretary:

DPZ Michels:

- There will not be a ZBA meeting in October.
- The Planning Commission has forwarded both the draft text Zoning Ordinance and Zoning Map to the Township Board, and the Township Board has scheduled a review, in a Special Meeting, on Thursday, October 5th, at 1PM.
- We need the “why” for each standard to support how members voted.

Smith: Missed the staff comments, which I find really helpful, in the Standards of Review.

Holland: I would find it helpful if the adjacent properties are shown on the drawings.

Smith: Not clear why the packets are no longer delivered. He is concerned that he cannot always pick his up in a timely manner. DPZ Michels responded that it was costly and to save resources, the Township Board decided that members could pick up their packets.

IX. Adjournment

Chairperson Smith declared the meeting adjourned at 8:02 p.m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary