

**SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
DECEMBER 5, 2018– BOARD MINUTES**

1. **CALL TO ORDER:** Chair Cody Baker called the regularly scheduled monthly Zoning Board of Appeals public hearing to order at 6:56 P.M. on Wednesday evening, December 5th, 2018 followed by the Pledge of Allegiance. The hearing was held within the County Board of Commissioners’ meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Corunna, MI.
 - a. **ROLL CALL:** Present: Duane Wood, Daniel Amerman, Robert Ebmeyer, Joel Macias and Cody Baker. Absent: None. Also present: Matthew Lafferty, Land Use Planner and Michael Daly-Martin, Planner.
2. **CONFIRMATION OF LEGAL NOTICE:** The board was informed that a legal notice of the scheduled hearing had been posted within the Sunday, November 18, 2018 of the Independent Newspaper in the north and south zones and that proof of publication was on file. Baker declared the hearing as legally noticed.
3. **APPROVAL OF THE AGENDA:** **Motion:** Ebmeyer moved to approve the agenda as printed. **Support:** Wood. **Motion carried:** 5 ayes, 0 nays.
4. **APPROVAL OF BOARD MINUTES:** **Motion:** Wood moved to approve the November 7, 2018 meeting minutes as printed. **Support:** Ebmeyer. **Motion Carried:** 5 ayes, 0 nays.
5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** None.
6. **COMMISSIONER COMMENTS:** None.
7. **OLD BUSINESS:** None.
8. **NEW BUSINESS:**
 - a. **Application Request #PZBA18-017**

Applicant – Christopher Rowell
Owners – Catherine Kenney
Site Location – Riley Rd., Owosso, MI 48867; Tax ID# 003-29-200-002; Section 29, New Haven Township.
Request – The applicant is requesting the following dimensional variances within the A-1 zoning district: 1) To allow a parcel that exceeds the maximum lot size requirement of 2.5 acres and is less than 20 acres in size; 2) to allow a parcel that is less than the minimum frontage requirements; 3) to allow a parcel that exceeds the maximum 4 to 1, lot depth to width ratio; and 4) to allow the creation of an additional buildable lot that exceeds the density requirements of one (1) dwelling unit per forty (40) acres.
Ordinance Reference – 1) Section 2.5.2.A and article 3, Schedule of Regulations; 2) Article 3, Schedule of Regulations; 3) Section 5.2.7; and 4) Section 4.3.49.1.A.

Baker opened the public hearing.

Daly-Martin provided the staff report.

Baker asked if the applicant had any further statement. Christopher Rowell, the applicant, noted that this property is currently owned by his grandmother. Mr. Rowell stated that he would like to remain close to his family and a variance would be the only way he could build a home on this piece of property.

Baker asked if there was anyone in support of the proposal. Steve Sensor, nearby neighbor, spoke in support of the applicant.

Baker asked if there was anyone in opposition to the proposal. None heard.

Baker asked if there was any Township comment. Dan Winters, New Haven Township Supervisor, noted that the New Haven Township Planning Commission and Board recommended denial of the request due to non-compliance with the Township and County Master Plan. Mr. Winters noted that the request would also be inconsistent with farmland preservation.

Baker closed the public hearing.

The board deliberated.

Motion: Wood motioned to deny request PZBA18-017, ROWELL, to allow the following dimensional variances within the A-1 zoning district: 1) To allow a parcel that exceeds the maximum lot size requirements of 2.5 acres and is less than 20 acres in size; 2) To allow a parcel that is less than the minimum frontage requirements; 3) to allow two parcels that exceed the maximum 4 to 1, lot depth to width ratio; and 4) to allow the creation of one (1) additional buildable lot from the original forty (40) acre parcel based upon the following reasoning:

Reasoning:

1. The proposal does not satisfy the basic findings as set forth in Section 18.4.6 of the Ordinance.
2. The request would require too many variances.

Second: Ebmeyer.

Roll Call: Ayes to Approve: Duane Wood, Robert Ebmeyer, Daniel Amerman, Joel Macias and Cody Baker. **Nays:** None. **Absent:** None.

Motion carried: 5 ayes, 0 nays.

b. Application Request #PZBA18-018

Applicant/Owners – Perry Church of the Nazarene

Site Location – 3100 Ellsworth Rd., Perry, MI 48872; Tax ID# 014-21-200-010; Section 21, Perry Township.

Request – To allow a lighted, digital style sign with electronic changeable images.

Ordinance Reference – Section 9.2.1, Prohibited signs.

Baker opened the public hearing.

Lafferty provided the staff report.

Baker asked if the applicant had any further statement. Tim Harmon, the applicant, noted that the church is looking to update their sign to increase visibility and to allow for easier message changing. Mr. Harmon further noted that there are controls on the brightness and sensors for ambient light to adjust illumination levels based on the present light conditions.

Baker asked if there was anyone in support of the proposal.

Baker asked if there was anyone in opposition to the proposal. Steve Jackson, a nearby neighbor, wrote a letter in opposition to the proposal.

Baker asked if there was any Township comment. Duane Wood, Perry Township Planning Commission member, noted that the Township Planning Commission recommended approval based on precedent that was established with PZBA16-02.

The applicant noted that their intent is not to disturb their neighbors and would make sure their sign would not be a nuisance.

Baker closed the public hearing.

The board deliberated.

Motion: Ebmeyer motioned to approve request PZBA18-018, PERRY CHURCH OF THE NAZARENE, for a variance from Section 9.2.1.G to permit a lighted, digital style sign with electronic changeable images on the property as legally described in Section 21 of Perry Township (Parcel ID# 014-21-200-010), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the basic findings as set forth in Section 18.4.6 of the Zoning Ordinance.
2. Any additional reasoning as determined by the Board of Appeals.

Conditions:

1. The improvement resulting from the approval of this variance must be substantially similar to what has been depicted on the submitted site plans.
2. Flashing, blinking and running type messages are prohibited.
3. Hours of operation shall be between 6:00AM and 11:00PM.
4. All State of Michigan regulations must be met.
5. If the Zoning Ordinance (“Ordinance”) is amended to allow for less restrictive sign requirements than the conditions set forth tonight than the applicant shall be allowed to operate under the updated Ordinance provisions.

Second: Wood.

Roll Call: Ayes to Approve: Robert Ebmeyer, Duane Wood, Joe Macias, Daniel Amerman, and Cody Baker. **Nays:** None. **Absent:** None.

Motion carried: 5 ayes, 0 nays.

c. **2019 Calendar** - Approval of Scheduled Meetings.

The board deliberated.

Motion: Wood motioned to approve the schedule.

Second: Ebmeyer.

Roll Call: Ayes to Approve: Duane Wood, Robert Ebmeyer, Daniel Amerman, and Cody Baker. **Nays:** None. **Absent:** None.

11. **INTERPRETATIONS OF THE ZONING ORDINANCE:** None.

12. **ZONING ADMINISTRATOR’S REPORT:** None.

14. **BOARD MEMBER COMMENTS:** None.

15. **PUBLIC COMMENT:** None.

16. **ADJOURNMENT:** **Motion:** Ebmeyer moved to adjourn. **Support:** Amerman. **Motion carried:** 5 ayes, 0 nays.

The public hearing adjourned at approximately 8:10 P.M.

Recording Secretary: Michael Daly-Martin

Approval Signature
Meeting Chair, Zoning Board of Appeals

Approval Date

DRAFT