

**SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
FEBRUARY 13, 2019– BOARD MINUTES**

1. **CALL TO ORDER:** Chair Cody Baker called the regularly scheduled monthly Zoning Board of Appeals public hearing to order at 7:00 P.M. on Wednesday evening, February 13th, 2019 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: Joel Macias, Duane Wood, Daniel Amerman, 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, January 27, 2019 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:** Wood moved to approve the agenda as printed. **Support:** Macias. **Motion carried:** 4 ayes, 0 nays.
4. **APPROVAL OF BOARD MINUTES:** **Motion:** Wood moved to approve the January 9, 2019 meeting minutes as printed. **Support:** Amerman. **Motion Carried:** 4 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 #PZBA18-020**

Applicant – Brian Harmon
Owners – Tommy & Joyce Harmon/Brian & Kimberlee Harmon
Site Location – 3817& 3821 W. Bennington Rd., Owosso, MI 48867, Tax ID# 010-09-100-004-01 Tax ID# 010-09-100-02; Section 09, Bennington Township.
Request – The applicant is requesting the following dimensional variances within the A-2 zoning district: 1) To allow a lot line adjustment that will create a parcel that no longer meets the minimum 200’ road frontage requirement; and 2) To allow a lot line adjustment that will create a parcel that exceeds the maximum lot size requirement of 2.5 acres and is less than 20-acres in size with the A-2 zoning district.
Ordinance Reference – Section 2.7.2.A and Article 3, Schedule of Regulations
Note – Both parcels will remain nonconforming with the proposed lot line adjustments. The northern property, New Parcel-A (Tax ID# 010-09-100-004), will be approximately

5-acres in size with approximately 173' of road frontage and the southern property, New Parcel-B, (Tax ID# 010-09-100-004-02), will be approximately 6.2-acres in size with approximately 40' of road frontage.

Baker opened the public hearing.

Lafferty provided the staff report.

Baker asked for the applicant's statement. Brian Harmon, the applicant, noted that for 20 years it hasn't been an issue, but his parents are getting ready to move. We're requesting to clear up any issues that could arise from a shared driveway before they move.

Baker asked if there was anyone in support of the proposal. None heard.

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

Baker asked if there was any Township comment. Larry Johnson, representative of the Bennington Township Planning Commission, noted that the board took no action. We wanted to come today to hear out the applicant because they weren't in attendance of the Township meeting.

Baker closed the public hearing.

The board deliberated.

Motion: Wood motioned to deny request

Second: None.

Motion fails due to lack of support.

Motion: Macias motioned to approve request PZBA18-020, HARMON, to allow the following dimensional variances within the A-2 zoning district: 1) To allow a lot line adjustment that will create a parcel that no longer meets the minimum 200' road frontage requirement; and 2) To allow a lot line adjustment that will create a parcel that exceeds the maximum lot size requirement of 2.5 acres and is less than 20-acres in size within the A-2 zoning district, on property legally described in Section 9 of Bennington Township (Parcel ID# 010-09-100-004-01 & 010-09-100-004-02), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the review standards as set forth in Section 18.4.5 of the Ordinance.
2. Reasoning as discussed by the Board of Appeals during deliberation.

Conditions:

1. The lot line adjustment resulting from the approval of this variance must be substantially similar to what has been depicted on the submitted plans.

Second: Amerman.

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

Motion carried: 3 ayes, 1 nay.

b. Application Request #PZBA18-021

Applicant – Jolene Harris

Owners – Alan Kelley and Jolene Harris

Site Location – 6559 S. Delaney Rd., Owosso, MI 48867; Tax ID# 010-50-003-000; Section 23, Bennington Township.

Request – To allow a residential accessory structure that encroaches the required ten (10) feet side lot line setback by approximately seven (7) feet.

Ordinance Reference – Section 5.3.1, Accessory Building and Structures.

Baker opened the public hearing.

Lafferty provided the staff report.

Baker asked for the applicant's statement. Jolene Harris, the applicant, noted that she bought her house last September, thinking that an existing concrete slab was on her property and could be used as a footprint for a pole barn. She noted that the concrete slab was not entirely on her property. As a result, she gained additional property from her neighbor but not enough to build a pole barn and keep a 10' setback.

Baker asked if there was anyone in support of the proposal. None heard.

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

Baker asked if there was any Township comment. Larry Johnson, representative of the Bennington Township Planning Commission, noted that the board took no action. We wanted to come today to hear out the applicant because they weren't in attendance of the Township meeting.

Baker closed the public hearing.

The board deliberated.

Wood discussed tabling the request until the lot line adjustment was approved by Bennington Township.

Motion: Amerman motioned to approve request PZBA18-021, HARRIS, a variance from Section 5.3.1 to allow an accessory structure that encroaches approximately seven (7) feet into the minimum side yard setback of ten (10) feet, located on property as legally described in Section 23 of Bennington Township (Parcel ID# 010-50-003-000), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the basic review standards as set forth in Section 18.4.5 of the Zoning Ordinance.
2. Reasoning discussed by the Board of Appeals during deliberation.

Conditions:

1. The variance is only effective once the lot line adjustment is approved by Bennington Township.
2. Reasonable vegetation surrounding the proposed structure must be maintained for the life of the structure.

Second: Macias.

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

Motion carried: 3 ayes, 1 nay.

c. **Application Request #PZBA19-001**

Applicant/Owner – Jason Eddy

Site Location – 5271 Bancroft Rd., Durand, MI 48429; Tax ID# 011-14-400-004; Section 14, Shiawassee Township.

Request – To allow a residential accessory structure located within the front yard that encroaches the minimum front yard setback from the road right-of way.

Ordinance Reference – Section 5.3.1, Accessory Buildings and Structures and Section 3.2, Schedule of Regulations.

Note – The proposed accessory structure is located in the front yard between the lot line and the front building line of the residential dwelling. For a property more than 5-acres in size, an accessory structure must be setback not less than 165' from the road right-of-way. All structures in the A-2 district must be setback not less than 40' from the road right-of-way.

Baker opened the public hearing.

The board deliberated.

Motion: Amerman motioned to table the request due to the applicant not being present.

Second: Macias.

Motion carried: 4 ayes, 0 nays.

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:** Macias moved to adjourn. **Support:** Amerman. **Motion carried:** 4 ayes, 0 nays.

The public hearing adjourned at approximately 8:07 P.M.

Recording Secretary: Michael Daly-Martin

Approval Signature
Meeting Chair, Zoning Board of Appeals

Approval Date