

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Dennis Ward, Robert Grosshans, Ishwar Naik, Alayna Stagg, Kenneth Brostrom.

Members Absent: None.

Others Present: Bradley Smith, Assistant Planner Suzanne McCoy, Planning Director Bruce E. Fowler, and Recording Secretary Marge Burkheiser.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Naik called the meeting to order at 6:30 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Ward, supported by Member Grosshans, to approve the agenda.

MOTION CARRIED

3.0 Communications and Announcements

Chairperson Naik noted a letter was received concerning this request.

Planner McCoy said the letter was from Jerry Peer, neighbor to the south, who was unable to attend this meeting. She said they were in favor of the variance. She said there were some drainage issues also mentioned in the letter. She said the drainage issues would be dealt with if a building permit is issued.

Chairperson Naik requested the letter be added to the record. (See minutes book for attachment.)

4.0 Items from the Floor

None.

5.0 Election of Chairperson, Vice Chairperson, and Secretary

Chairperson Naik said he would entertain a motion for officers.

Motion by Member Grosshans, supported by Member Ward, to continue the current officers, in the same positions, as in the past.

Discussion:

None.

MOTION CARRIED

(Ishwar Naik, Chairperson, Robert Grosshans, Vice-Chairperson, Alayna Stagg, Secretary).

6.0 Old Business

None.

7.0 New Business

7.1 ZBA 06-04 Bradley Smith

[submitted for variances]
(2813 Dayton, Section 1)

Planner McCoy reviewed her report dated January 17, 2007, stating that the house is currently a legal non-conforming single family within the front yard setback. She said the property has two front yard setbacks because it is a corner lot. She said the northern 15 feet of the property was taken for the construction of Fresno in 1957 and is now deeded to the Washtenaw County Road Commission (WCRC). She said the house was built in 1958 after the WCRC acquisition and prior the adoption of the Township Zoning Ordinance. She said the Zoning Ordinance does allow for expansion of non-conforming single family homes without a variance, provided they meet the current zoning requirements for the district. She said the applicant is proposing to demolish the existing enclosed porch and construct an addition of about 1,222 square feet to the existing home. She said the addition proposed is for a two-car garage and solarium. She said the house currently does not have a garage but a large aluminum shed on the property. She said the proposed addition did not meet the required setback along Fresno but the addition would be in line with the northern end of the existing house. She said the Findings were included for review.

Bradley Smith, the applicant, showed a model of the proposed addition. He said he was trying to keep the character of the neighborhood. He briefly explained drain issues on properties, noting there is a small pond next door. He said in 2004 he had to redo the drain. He said he would like to redo the storm drain and have it go out to Fresno. He said he was willing to address the concern in Mr. Peer's request about extending the drain an additional 30 feet. He said there are mosquito problems with the properties getting soggy.

Member Brostrom asked the length of the driveway from Fresno to the garage.

Mr. Smith approximately 25 to 30 feet.

Member Grosshans noted this is similar to a past ZBA case with a double front setback issue. He said this was fine with him.

Chairperson Naik asked if anything was going to be done with the room.

Mr. Smith said he had removed and sealed the space. He said he has a pipe organ in this area.

Member Grosshans said the aluminum shed is not shown on the site plan and whether it was proposed to stay.

Mr. Smith showed location on model and said it would stay.

Chairperson Naik asked about the property to the south and what the white top building is.

Mr. Smith replied that Mr. Peer has a white shed and another neighbor has a garage.

Motion by Member Stagg, supported by Member Brostrom, to approve ZBA 06-04 Bradley Smith for the addition to the house.

Chairperson Naik reviewed the findings:

- 1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.**

Discussion:

Chairperson Naik said that the planner has said this is a permitted use.

Member Stagg said meeting the setback from the road would be burdensome. She said it was reasonable to want a garage.

Member Grosshans said the applicant was not gaining anything. He said the model shows everything ties in.

Member Brostrom felt the house would look strange with the addition moved back 25 feet.

Chairperson Naik said it was the consensus that it would prevent the owner from using the property for a permitted purpose and would be unnecessarily burdensome.

All the Commissioners agreed this would be unnecessarily burdensome.

- 2. That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.**

Discussion:

Chairperson Naik felt this was not an issue because of the type of setback.

Member Stagg commented that a letter from a neighbor was received stating they approved of the addition.

Member Ward stated this would be an enhancement to the neighborhood and do justice to the neighboring parcels.

Member Brostrom said he agreed.

Mr. Smith stated he has visited all the neighbors on Fresno and Dayton so they would know what he was proposing.

Chairperson Naik asked if all the neighbors were notified.

Planner McCoy replied yes.

Chairperson Naik stated this was an improvement.

All the Commissioners agreed this would do substantial justice for the applicant.

- 3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.**

Discussion:

Chairperson Naik commented this situation is unique to the all the properties that face Fresno.

Member Stagg said the house is already in the same setback as the addition will be.

All the Commissioner s agreed this is due to unique circumstances of the property.

4. That the plight or problem is not self-created.

Discussion: None.

All the Commissioners agreed this was not self-created.

5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Discussion: None.

All the Commissioners agreed they did not.

6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.

Discussion: None.

All the Commissioners agreed this observes the spirit of the Ordinance, secures public safety, and does substantial justice.

ROLL CALL:

YES: WARD, GROSSHANS, NAIK, BROSTROM STAGG
NO: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

MOTION PASSES (APPROVED)

Chairperson Naik requested assistant planner McCoy to look into the sewer issue.

Planner McCoy said she would discuss this with engineering when they apply for a building permit.

8.0 Zoning Administrator's Report

8.1 ZBA Bylaws

Director Fowler said the ZBA Bylaws were considered at the last meeting. He said that the Zoning Enabling Act was since passed and changes made to reflect that.

Member Ward said section 7.5 of the Bylaws did not list public hearings as an agenda item and it should be added.

Staff explained how the Planning Commission amends its agenda to allow like items to follow each other. They said the same could be done with the Zoning Board of Appeals, if there were more than one item.

Members agreed to review and vote by email.

Chairperson Naik said the members would receive and review the Bylaws by email and vote by email.

8.2 Rules of Procedure

Member Stagg asked if public testimony and questions by members were to be directed through the Chair.

Chairperson Naik replied yes.

Members and staff discussed “Rules of Procedure” with the addition of public hearing and including a motion to close the public hearing.

Member Ward suggested that the members attend other Township meetings to see how they are run. He commented the next Planning Commission meeting will be Thursday, February 1, 2007, at 7:30 p.m.

8.3 Michigan Zoning Enabling Act and Zoning Amendments

Director Fowler reviewed his report for the members along with some of the background about the committee that worked on the enabling act. He read the changes that affect the ZBA.

- Appeals of a ZBA decision may be made by “any person aggrieved”, rather than “any person having an interest affected by such resolution [ZBA decision]. He said the changes went into effect July 1, 2006 and has been approved by the Board of Trustees.
- “Practical difficulties” have replaced “unnecessary hardship” as a condition justifying granting a variance.
- The ZBA is now authorized to “reduce the required lot area or road frontage below the minimum required for the district therein located”; previously the ZBA was not authorized to do this.

- Use variances are not an option for applicants. Because Pittsfield Township has not granted any use variances or inserted the words “use variance” in the Zoning Ordinance, the township has no authority to consider or approve use variances. (No amendment to the Zoning Ordinance is required for this.)
- He said the changes went into effect July 1, 2006 and amendments to the Zoning Ordinance were adopted by the Board of Trustees to accommodate these changes.

9.0 Member's Report

None.

10.0 Secretary's Report

None.

11.0 Chairperson's Report

None.

12.0 Approval of Prior Minutes

12.1 Minutes of March 27, 2006

Motion by Member Ward, supported by Member Grosshans, to approve as corrected.

MOTION CARRIED.

13.0 Adjournment

Motion by Member Ward, supported by Member Brostrom, to adjourn the meeting.

MOTION CARRIED

Chairperson Naik adjourned the meeting at 7:45 p.m.