

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 8, 2011**

Chairperson McKenna filled in for Watkins called the meeting to order at 7:02 p.m. Present: Wardwell, Glass, Kryza, Dipietro, Jahr, McKenna, Grissett Absent-excused Watkins. Staff present: Interim Director Carroll and Secretary Grishaber. McKenna Associates representative: Christopher Khorey. There were (4) four people in the audience.

APPROVAL OF THE AGENDA:

MOTION WARDWELL, second GLASS to approve the agenda as presented.

MOTION CARRIED.

MINUTES:

MOTION MCKENNA, second WARDWELL to approve the minutes of December 13, 2010 as presented.

MOTION CARRIED.

OLD BUSINESS:

Item #1

- Case #** 10-013 VA
Location: Parcel Number V125-83-091-03-0174-002, also known as 43048 E. Huron River Drive. This property is located on the north side of East Huron River Drive between Martinsville and Haggerty Roads.
- Requesting:** The applicant is requesting relief from ARTICLE XVII, SECTION 17.02, SCHEDULE OF REGULATIONS, Minimum Yard Space, R-1C Single Family, of the Township Zoning Ordinance 06-02-92, as amended.

Mr. Liparoto the applicant is requesting a (5) foot variance to put a 518 square foot addition to the existing house. The home is currently "C" shaped and he would like to construct a straight wall to connect from one side to another to square the home to be used for storage and an additional bathroom.

Mr. McKenna inquired if the lake on his mortgage survey behind the house. Mr. Liparoto stated yes. The mortgage survey does not clearly show the property line from the current mortgage survey. McKenna inquired if Belleville Lake was behind the house where there are 655 marks. By looking at the mortgage survey is not clear where the property line

starts, the term 655 mark reference means at sea level. The township owns the lake up to the 655 ft. mark of the property. McKenna has concerns where Mr. Liparoto's property line is in the rear of the property; McKenna understands that it is surveyed back to the 143.56 level your lot as it's shown. McKenna inquired does the back of the property have a big slope off. McKenna feels it's critical for the decision on the approval of the variance. Representative Chris from McKenna & Associates informed the Commissioners that the current survey shows the distance between W. Huron River Dr. and the Lake at 174.29 from the road to the water line. The 143.56ft shows the property traverse line in back of the existing property. Trustee Jahr has concerns about the traverse line to see where the rear property line is. Also what is the maximum lot coverage for that property? Chris responded informing Trustee Jahr it is 30% percent. Trustee Jahr stated it would be clipping a corner of the property line so the applicant would have a problem. Jahr stated the Planning Commission is consistently taking the position that the property line is what counts not the waters edge so it can create a problem. The property line is probably the 655ft mark elevation. The rear yard set back is 35ft. in the R1B Zoning District. Trustee Jahr stated the applicant should have enough rear yard setbacks but it is close on lot coverage if the maximum is 30% percent and the applicant now stands at 24.9% percent with the addition. Commissioner Terresa Wardwell has concerns about what has changed since the last meeting and what issues have been addressed by McKenna's recommendation since the last meeting and what issues have been addressed by McKenna's recommendation since the last meeting. Mr. Liparoto responded saying he has completed a survey on the west side of the property, which had been requested at the last BZA meeting. Wardwell inquired about the non-conforming uses to address the issues for instance the substantial and reasonable and necessary unique circumstances self imposed on these items. Liparoto responded nothing else has changed but him getting a more up to date survey on the west side of his property. McKenna responded saying it makes a difference should they find the brow of the hill back from the waters edge that would reduce your lot size and would also reflect on the lot coverage. There was a lengthy discussion between the commissioners, Mr. Carroll and McKenna Associates about the non-conforming structure and weather or not the applicant should be able to expand the non-conforming structure. Chris discussed with the Commissioners background for the property 43048 East Huron River Drive about the variance request non-conforming uses comments on the practical difficulty for the addition also the findings about the analysis following what is pertinent. Finally the recommendation from McKenna & Associates is to deny the requested variances by the BZA Commission.

Mr. Swallow read a letter from the last meeting Mr. Green resides at 43030 West Huron River Drive stating he has no objections to the requested variance.

MOTION JAHR, SECOND DIPIETRO to move where there is a non-conforming building with (2) two wings creating a "C" shaped building and the required 10ft. side yard set back on the east side of the building is compliant and the addition is filling in the area between the (2) wings and is contiguous to the outside walls of the wings and the building in all other aspects is conforming, a variance is not necessary.

ROLL CALL:

YEAS: Wardwell, Glass, Kryza, Dipietro, McKenna, Jahr

NAYS: None

ABSENT: Watkins

MOTION CARRIED.

Item # 2

Case # 10-016 VA

Location: Parcel Number V125-83-061-01-0258-000, also known as 10311 Endicott Ave. The property is located on the east side of Endicott Ave, between Marriott Ave. and McBride Road.

Mr. Frank Mastroianni representing Italy American Construction Company stated he is the builder for Mr. Wieduwilt and is requesting a variance to an existing structure. The company was in front of the BZA Commissioners back in December 2010 and there had been a few issues that needed to be addressed. It was suggested they table the item and meet with staff. The items of concern were addressed and they are back this evening to get final approval for the variance now that they are in full compliance with the letter dated January 31, 2011 from McKenna Associates. Commissioner Wardwell inquired if the builder could explain what changes were made. Mr. Mastroianni responded saying there is already an existing accessory structure on the property which was built back the the 50's or 60's, back then the ordinance allowed a (3) three foot side yard setback from the property line. They want to repair the garage in compliance with new roofing, siding, etc. they also poured a new concrete floor in the existing garage to make it level and up to code. There was a shed built on the back of the garage, and another shed in the back of the property. We are proposing to pull the additional wall in from the side yard to sustain and maintain a (5) five foot side yard setback. The addition of the garage won't be moving that is grandfathered in. So what we will be adding on will be an additional (2) two feet so that they can maintain the (5) foot side yard set back. Chris from McKenna & Associates informed the Commissioners all of the variable and conditions the proposal would add 12 by 20.3 feet = 453sq. ft. to make it a total garage area 691sq. ft. the 10 X 10sq. ft. shed would be removed and a 2'X 2' cut out section ensure the proposed addition will not expand the existing non-conforming as the portion of the addition would be non-conforming with the respect to the side yard set back would be the same size as the shed that it replaces. The revised application also shows the demolition of the existing 80sq.ft. shed at the rear of the property. McKenna recommendation base on the applicant has revised the proposal to substantially comply with zoning ordinance. Granting the request will give substantial justice to both the applicant and surrounding property owners. Therefore we recommend the BZA Board approve the requested variance.

There was a lengthy discussion between the Commissioners on whether or not it even requires a variance. Trustee Jahr stated it would be an expansion of non-conforming, so

the commissioners need to be consistent. McKenna responded the applicants attempt to reduce the number of variances so that the BZA Board could approve the variance.

MOTION DIPIETRO, SECOND GLASS to move that we approve the VBT-10-016 Italy American Construction Company seeking a variance on the size of the accessory building as modified by the plans approved by McKenna Associates in accordance with the recommendation and that the application be approved and those recommendation were contained in the January 31, 2011 from McKenna Associates signed by Sally Hodges and Christopher Khory who is here with us tonight and placed on record whereby they recommend the BZA Board approve the requested variance and that we specifically incorporate the findings contained in the January 31, 2011 letter as part of our resolution.

Roll Call:

Yeas: Wardwell, Glass, Dipietro, Grisset

Nays: Jahr, McKenna

Absent: Watkins

Motion Carried:

Requesting: The applicant is requesting relief from the following:

ARTICLE IV, GENERAL PROVISIONS, SECTION 4.14
ACCESSORY BUILDINGS, STRUCTURES AND USES.

- SECTION 4.14 B.1(b)1.: Dimensional Regulations.
Less than the minimum required setback of 5 feet from side lot line.
- SECTION 4.14.B.1(b)3.: Dimensional Regulations.
Setback from principal structures less than required 50 feet.
- SECTION 4.14.B.4(b): Specific Requirements for Detached Accessory Buildings.
Exceed the maximum 528 square foot floor area allowed on a single family residential lot.
- SECTION 4.14.B.4(b): Specific Requirements for Detached Accessory Buildings. *Detached garages on Smaller Lots.*
To allow a second detached accessory building.

ARTICLE V, NON-CONFORMING USES

- SECTION 5.04.B, Changing Nonconforming Uses.
To change a minor nonconforming structure.

Frank, representing Italy American Construction, stated he is the builder for Mr. Wieduwilt and was requesting various to construct an addition to an existing structure. The addition will store equipment that is currently outside on the property, the construction of the proposed addition will improve the condition of the site. This property is a corner lot and backs up to WalMart which makes this property unique, since this lot is a corner lot and backs up to WalMart people cut across this property to get to WalMart. The owners have had trouble with vandalisms, stealing of items in the yard. Mr. suggested the Township Accessory Structure Ordinance be modified, stated the ordinance does not take into consideration corner lots, or the average number of cars a house hold has which is 2.8. With the current ordinance a 3 car garage would not be allowed to be constructed.

Item #3 ELECTION OF OFFICERS

Trustee Jahr suggested that the Commissioners re-elect the officers that are currently in place with the addition of Terressa Wardwell as secretary since the BZA meets only (1) once or (2) twice a year.

MOTION JAHR, SECOND KRYZA move to re-elect the officers that are currently in place with the addition of Terressa Wardwell as secretary. Laurie Watkins will continue as Chairperson, Karen Glass will be Vice-Chairperson and Teressa Wardwell will be Secretary.

- Chairperson: Laurie Watkins
- Vice Chairperson: Karen Glass
- Secretary: Terressa Wardwell

MOTION CARRIED.

GENERAL DISCUSSION:

None.

MOTION AMOS, KRYZA SECOND to adjourn the meeting at 9:33 p.m.
MOTION CARRIED.

Respectfully submitted,

Tina Grishaber
Recording Secretary