

CHARTER TOWNSHIP OF PENNFIELD

ZONING BOARD OF APPEALS

MEETING MINUTES OCTOBER 12, 2009

Vice-Chairman Perry Beard called the meeting to order at 6:30 pm. Chairman Jerry Robinson was absent. Members present were Perry Beard, Terri Fowler, Curtis Whitaker and alternate Lindsay Draime. Frank Schumacher was excused. A quorum was met.

Others Present: Rob Behnke, Pennfield Township Supervisor/Zoning Administrator; Sandra Cummings, Recording Secretary, Mr. and Mrs. Gerald Smith, and two residents.

The meeting opened with the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA

No additions or deletions.

APPROVAL OF AUGUST 25, 2009 MEETING MINUTES:

A motion was made by Terri Fowler, seconded by Curtis Whitaker, to approve the minutes from the previous Zoning Board of Appeals meeting on August 25, 2009. Motion carried.

NEW BUSINESS:

a) Public Hearing for two variance requests from Mr. and Mrs. Gerald Smith: Maximum allowed size and maximum height requirement for an accessory building.

A public hearing was held to consider a non-use variance request from Pat and Gerald Smith, who reside at 21151 North Avenue, parcel I.D 13-18-910-182-20. The property in question is located adjacent to the residence property; having been split from a parcel across the street also owned by Mr. and Mrs. Smith, and combined with the Smith residence on 9-18-09. The request is for relief of maximum square footage allowed under Section 3.14(B) (1) of the Pennfield Charter Township Ordinance for the construction of an accessory building. The maximum allowed square footage under the ordinance would be 1,536 square feet. Mr. and Mrs. Smith wish to construct an 1800 square foot pole barn, which would require relief of **264 square feet**. Also, Mr. and Mrs. Smith are asking for relief from the maximum height requirement allowed under Section

3.14(B) for the construction of a pole barn, which would be 16 feet. The Smith's wish to build a pole barn that might be approximately 17 feet in height. Granted relief would be for **12 inches**.

Mr. and Mrs. Smith presented their request, indicating that considerable work and expense had already been put forth in building preparations, as a permit had been issued and approved prior to instructing the applicants to obtain their variances first.

Page 2 Zoning Board of Appeals October 12, 2009

Mr. and Mrs. Bruce Boyer, of 21100 North Avenue, commented that they have no objections to the variance request, as long as the building does not block their view of St. Mary's Lake. Mr. and Mrs. Boyer have spoken to the Smiths, who have agreed to place the pole barn facing east and west and move it over 5 feet to accommodate the Boyer's request. It was pointed out that there were no other letters or phone calls received in the office prior to the meeting in regard to this variance request.

The Zoning Board of Appeals members asked whether the Smiths have applied for a driveway permit from Calhoun County Road Commission, and the distance between the proposed pole barn and the adjacent driveway easement. The Smith's indicated that they will be applying for a driveway permit soon, and in the meantime can use the driveway that services the house at 21092 North Avenue, which they also own, to access the proposed pole barn. The distance between the barn and the neighbor's driveway easement is approximately 20 feet, well within the setback requirement.

There was additional discussion with respect to future splits on the property. It was announced that the property on which the pole barn will sit will not be allowed to split in the future. The Township Zoning Ordinance does not allow for the placement of an accessory building on a parcel that does not contain a principal building unless the accessory building is the principal building on a parcel in support of an agricultural operation. Mr. and Mrs. Smith understood this ordinance.

A motion was made by Lindsay Draime, seconded by Curtis Whitaker, to approve the first variance request for relief of maximum square footage allowed for the construction of an accessory building from 1536 to 1800 square feet, based on Chapter 18, Zoning Board of Appeals, Section 18.06 (B), Sections one through six, Granting of Non-Use Variances. Motion carried. Voice vote follows:

Perry Beard yes Terri Fowler yes

Frank Schumacher excused Curtis Whitaker yes

Jerry Robinson absent Lindsay Draime no

A motion was made by Curtis Whitaker, seconded by Terri Fowler, to approve the second variance request for relief of maximum height allowed for an accessory building from 16 feet to 17 feet, based on Chapter 18, Zoning Board of Appeals, Section 18.06 (B), Sections one through six, Granting of Non-Use Variances. Motion carried. Voice vote follows:

Perry Beard yes Terri Fowler yes

Frank Schumacher excused Curtis Whitaker yes

Jerry Robinson absent Lindsay Draime yes

CITIZEN COMMENTS / BOARD MEMBERS COMMENTS

No comments at this time.

ADJOURNMENT

Acting Chairman Perry Beard adjourned the meeting at 6:50 pm.

Sandra Cummings, Recording Secretary