



## Zoning Board of Appeals

### DRAFT MINUTES

Tuesday, September 18, 2018 @ 6:00 PM

Board Room

**PRESENT:** Member Paul Eslinger, Member Ruth Brod, Member Steve Birn, and Chair Mike Hanna

**ABSENT:** Board Representative Spencer

**ALSO PRESENT:** Tricia Anderson, Zoning Administrator

1. **PLEDGE OF ALLEGIANCE**

2. **INVOCATION - BROD**

3. **APPROVAL OF AGENDA**

Member Eslinger moved, with support from Member Birn, to approve the agenda.

Motion carried unanimously.

4. **APPROVAL OF MEETING MINUTES**

Meeting Minutes from July 11, 2018

Chair Hanna moved, with support from Member Eslinger, to approve the meeting minutes from July 11, 2018, subject to changes noted by Member Brod.

Motion carried unanimously.

5. **PENDING BUSINESS**

A. **Dimensional Variance Extension Request - Don Kurylowicz - 8072 Cannonsburg Road**

Ms. Anderson explained to the zoning board that the variance issued to Mr. Kurylowicz on August 15, 2017 has expired, and he has requested an extension, due to a delay from having to come back to the zoning board of appeals on July 11, 2018.

Member Brod moved, with support from Member Eslinger, to grant the variance extension request noted above for one year.

**Motion carried unanimously.**

**6. NEW BUSINESS**

**A. Dimensional Variance Request - 7970 Gator Trail - Ron Morgan**

Mr. Morgan introduced his request. His request specifically asks for relief from the 25' rear yard setback, to allow for a 10' rear yard setback for the placement of a 36' x 48' pole building for the storage of sawmill equipment, trailers and a boat.

Ms. Anderson went through the standards and findings of fact noted in her memo dated September 10, 2018.

Members of the zoning board asked questions regarding the drainage easements that are located on the property, and if water is ever present in the drainage easements. There was also some concern with access to the proposed accessory building. The access to the site where the building would be constructed, could be an issue, since driving through the easement is not an option.

Mr. Morgan maintained that he would not be driving a logging truck or other heavy machinery to bring logs to his sawmill equipment on his property, which would be stored in the proposed building.

The zoning board unanimously agreed that they'd like to see more information regarding the site plan. They would like to see the access road, well, septic, drain field, drainage easement and proposed building with desired location and setbacks, all on one plan.

Chair Hanna opened the public hearing.

Jeff Panian, of 7998 Gator Trail, has concerns with the driveway and building in the drainage easement. He was also concerned that there may be more wear and tear on the private road that they all share. He wondered how it would negatively impact the neighbors.

Member Brod asked if a private road maintenance agreement was in place. Mr. Panian noted that he does not believe there is one in place, and it's more of a "gentleman's agreement".

Mr. Morgan noted that he was under the impression that the purpose of the meeting was regarding the location of the barn. He didn't think that the aspects of his sawmill business would be taken into consideration.

Chair Hanna closed the public hearing, as there were no further comments.

Chair Hanna moved to table the request, support by Member Brod. The board requested that Mr. Morgan provide all the site plan elements on the site plan, as noted above to submit at a future meeting.

**Motion carried unanimously.**

**B. Appeal of Zoning Administrator's Determination - 5970 Blakely Avenue - William Childers: Violation of Section 3.17, Home Occupations**

Chair Hanna recognized Mr. Philip Slot, who was representing the property owner, Mr. William Childers. Mr. Slot introduced the request to appeal, and cited some of the history of the home. He noted that Mr. Childers grew up in the home on the property where the pole barn is located. Mr. Slot indicated that Mr. Childers is not contesting the home occupation, or that he does not live there. He argued the definition of "accessory structure". And what the use is of the building, and whether or not it negatively affects the neighbors.

Mr. Childers noted that he spent a lot of money on the barn. He added that he was up front with the township regarding the proposed use since day one. He indicated that the barn is kept clean, it's only used for storage.

Member Birn asked about his location in Cedar Springs, and if it was the main business location. Mr. Childers said yes. Mr. Slot provided pictures of the barn and emphasized the clean condition of the barn.

Member Brod asked why the business address is shown as the 5970 Blakely address according to the Department of Licensing and Regulatory Affairs website.

Mrs. Erin Childers clarified that the business address was located at the Blakely address because Mr. Childers' mother, who lived there prior to her passing, used to manage the accounting for the business. She also noted that the Cedar Springs location was where all the employees are parking vehicles, coming and going, etc.

Chair Hanna opened the public hearing.

Mr. Chuck Yob, of 5300 7 Mile NE, noted that he's the closest neighbor, and that the pole building was under construction when he was moving in. He noted that once the barn was built, he observed what he thinks is the "substation" for the main business in Cedar Springs. He also gave an account of activity happening at night. He also noted that he observed salt trucks and snow plow trucks parked outside of the building.

Mr. Eslinger asked if Mr. Yob he spoke to the tenant of the home, and if vehicles may belong to the tenant, since people sometimes drive work trucks to their residence for convenience.

Mr. Yob represented that salt trucks are parked outside all winter.

Mr. Slot noted that the neighbors have never approached him with the complaints regarding vehicles. He felt that the zoning administrator was being pressured to pursue enforcement. He wonders if the real issue is simply a dispute between neighbors.

Chair Hanna closed the public hearing.

Members of the ZBA agreed that they would feel more comfortable if they had more information, and if the township attorney was present at the next meeting.

Member Birn moved, with support from Chair Hanna, to table the item.

**Motion carried unanimously.**

**7. ZONING BOARD COMMENTS**

There were none.

**8. ZONING ADMINISTRATOR'S COMMENTS**

There were none.

**9. ADJOURNMENT**

Adjourned at 7:10 p.m.

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Tricia Anderson, Recording Secretary

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Mike Hanna, ZBA Chair