

Armada Township
ZONING BOARD OF APPEALS
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ZONING BOARD of APPEALS

Minutes

September 14, 2015

7:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVE / AMEND AGENDA
5. APPROVAL OF MINUTES: June 10, 2015
6. PUBLIC HEARING: Variance Application/CK Development
7. NEW BUSINESS: Variance Application/CK Development
8. OLD BUSINESS
9. PUBLIC COMMENTS
10. ADJOURNMENT

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1. **Call to Order:** Vice-Chair Kehrig called the meeting to order at 7:05 p.m.
 2. Vice-Chair Kehrig led the audience in the **Pledge of Allegiance**.
 3. **Roll Call:** Members Present: Xagoraris, Goetzinger, and Kehrig. Members Absent: Hicks, and Kappa. Also present: Christine White, Recording Secretary
 4. **Approve/Amend Agenda: Motion made by Goetzinger, seconded by Xagoraris, to approve the agenda as presented. All ayes: Motion Carried.**
 5. **Approval of Minutes: Minutes from June 10, 2015. Motion made by Xagoraris, seconded by Goetzinger to approve minutes from June 10, 2015 as presented. All Ayes: Motion Carried.**
 6. **Public Hearing: Motion made by Goetzinger, seconded by Xagoraris to open the Public Hearing at 7:08 p.m. All Ayes: Motion Carried.** Vice-Chair Kehrig went over the procedure of the public hearing, and confirmed the receipt and adequacy of the publication of notice. Mr. Dave Sherman from CK Development and owner of Sherman Masonry presented to the board that the Macomb County Road Commission made him shift the entrance of his property to the north property line which creates access issues for semi-trucks entering and exiting his property. The only solution would be to have the building shift over north five feet from the property line. He is requesting a fifteen feet side yard setback variance. Placement of the driveway to the north portion of the property makes it impractical for trucks to access the back of the buildings. No other property owners have this unique condition in the industrial district. The property is triangle shaped and has a one hundred and ten feet setback. The further back in the property, the narrower the frontage gets. The original location of the drive was in the center of the property, now the Macomb County Road Commission is requiring the drive be put to the north. In order for truck traffic to turn between the two buildings a fifteen feet variance is being requested. In the industrial district no other property has this unique shape, and is not restricted by road entrances on the opposite side of Powell Rd. The spirit of the zoning ordinance is to maintain the one

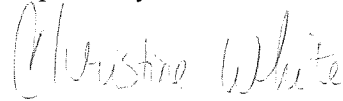
hundred and ten feet setback. Mr. Sherman presented a plan to the board members and went over the different possibilities with them which included making the buildings smaller. Which was determined would have an adverse outcome.

Allen Clinton, 15775 Reid Rd. Armada, MI 48005 commented that it is an odd shaped lot and he did not create the situation, so he believes the variance should be granted.

Motion made by Xagoraris, seconded by Kehrig, to close the public hearing at 7:30 p.m. All Ayes: Motion Carried.

7. **New Business: Variance Application/CK Development:** The members went through the criteria for granting a variance and discussed each item. There is difficulty with the shape of the property. This is the way it was when it was purchased. The buildings could be deeper and not as wide. The variance is needed to develop the property as he would like. He could develop it in another way. The first building will be the owner's own building and it will not be cost effective for him to develop it any smaller. It must be owner occupied to secure funding to build. A question of the dumpster being in the setback was raised. Looking at the map the parcel is unique; there is not another one with that shape. The owner did not create the split. The road commission did create the hardship by moving the location of the drive. The owner has had three different site plans drawn up with different options for development. The moving of the driveway has created a hardship for maneuvering of the bigger trucks. It is more desirable to have the drive in between the buildings. No other buildings have an issue with trucks accessing their properties in this district. This is not the fault of the property owner. It does not confer special privileges because there are no other parcels with this shape. It is not contrary to the spirit of the ordinance because it is an industrial district and industrial vehicles should be able to access the property. **Motion made by Goetzinger, seconded by Kehrig to approve a fifteen feet side yard setback variance due to practical difficulty in accessing site for trucks due to circumstances created by the Macomb County Road Commission and the unique shape of the parcel. This does not confer any special privileges because this is the only parcel in the district similarly situated in the same zoning district. It is not contrary to the spirit and intent of the ordinance. All Ayes, Motion Carried.**
8. **Old Business: None**
9. **Public Comments:** Allen Clinton, 15775 Reid Rd., Armada, MI 48005 commented that the board is doing a good job.
10. **Adjournment: Motion made by Xagoraris, seconded by Goetzinger, to adjourn meeting at 7:50 p.m. All Ayes, Motion Carried.**

Respectfully submitted:



Christine White
Recording Secretary

Approved:

Gail Hicks, Chairperson

Date