



# Armada Township

## ZONING BOARD OF APPEALS

23121 E. Main Street  
P.O. Box 578  
Armada, Michigan 48005  
Telephone: (586) 784-5200

DRAFT MINUTES: ZBA MEETING  
FEBRUARY 9, 2012 – 7:00pm.

**Meeting was called to order by Chair Hicks at 7:00pm.**

Chair Hicks led the audience in the **Pledge of Allegiance.**

**Roll Call:** Members Present; Chair Hicks, Vice-Chair Kehrig, Members: Secretary Lobeck, Kappa, Xagoraris

Members Absent: None. Also present Sam Boelke.

**Approve/Amend Agenda:**

**Motion made by Kehrig, seconded by Lobeck, to approve agenda presented. All in favor.**

**Motion carried.**

Chair Hicks reviewed the ZBA procedure.

**Motion made by Kehrig, seconded by Lobeck, to open Public Hearing at 7:05pm.**

Chair Hicks affirmed the receipt and adequacy of publication of notice and distribution list for notices to neighbors. Hicks requested applicant's presentation.

Eric Cox thanked the board for their consideration and explained the reasons for requesting a variance to be able to expand his home, and to be able to live more comfortably after the unexpected birth of twins. The current living space is not adequate. The addition would be to add bedrooms, living space and a basement. The family home is part of a farm that has been in the family for 70 years and wants to be able to stay and raise his family and does not want to move. The location of the septic field and well does not make it feasible to build behind to the south or to the west side of the property. The cost of moving the house back is not feasible. The proposed addition will not encroach any further into the setback, it will be the same as the existing.

Hicks acknowledged correspondence in packet that neighbors surrounding the Cox Farm at 18900 34 Mile Rd. signed and dated stating they have no issues with the addition being built in the setback.

Lobeck questioned if this addition would be all one room or several. Cox explained that it would be 2 bedrooms, full basement, and living area. Kehrig questioned how many square feet the home is now. Cox said 1,240 square feet. Kehrig stated they meet the minimum requirement for square footage in the Agricultural District. Kehrig stated that the home is currently 65 feet from the center of the road, 110 feet is required. Kehrig asked what the current depth of the home is. Cox replied 28 feet. Kehrig stated the whole house is within the setback and that even if Mr. Cox wanted to build behind, a variance would be required, and the height requirement has already been maximized. The applicant has no alternative but to request this variance. Kehrig went over the intent of the ordinance which is a subject of health, safety and welfare as is the prevention of the establishment of new structures and uses that would violate the provisions of the ordinance, and the intent of recognizing established private property rights, and avoiding any undue hardship.

Kehrig had the board discuss facts of each point of application as follows:

- Strict enforcement would cause practical difficulty by house being completely within the setback and by not being able to expand any other way. No other options are available.
- The requested variance would not be contrary to the spirit and intent of the ordinance because this would create an undue hardship.
- The uniqueness of the house is that it is one of the remaining working farms within our agricultural preservation district and built such a long time ago.
- The variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district because any of the historic homes in the area would also warrant a variance if they cannot build behind or build up.
- The conditions and circumstances unique to the property were not created by the owner, with the time following the effective date of the provisions alleged to adversely affect such property.

**Public comments: John Paterek** appreciates the process. Sees having twins and my house does not fit my family needs as a hardship.

**Jeff Spalding** says the Cox family have been great neighbors and great friends and they have looked at every possibility and would like to see them have this variance granted. Chair Hicks asked for any other pertinent comments. None given.

**Motion made by Kehrig, seconded by Xagoraris, to close Public Hearing at 7:25pm. All in favor. Motion Carried.**

Variance consideration by the board: Lobeck has no objection to granting variance, Xagoraris also has no objection because of historical reasons and says as far as setting precedence you would have to have someone coming in with the same set of circumstances.

**Motion made by Kehrig, seconded by Kappa, to approve a 45 feet setback variance from section 8.03 D (1) which is front yard setback due to the practical difficulty of entire house being located within the set back and the spirit and intent of ordinance is maintained because it is an historic family farm in the agricultural preservation district and the ordinance recognizes private property rights.**

**Roll Call Vote: Hicks-yes; Kehrig-yes; Kappa-yes; Lobeck-yes; Xagoraris-yes. All in Favor. Motion Carried.**

**Correspondences:** Received updated list of Zoning Board of Appeals members.

**Set Meeting to Approve Meeting Minutes:**

Meeting set to approve meeting minutes on March 21, 2012 at 6:45 p.m.

**Public Comments:** John Paterek thanked ZBA for doing a good job.

**Adjournment: Motion made by Xagoraris, seconded by Lobeck, to adjourn meeting at 7:40 p.m.**

Respectfully Submitted,

Christine White  
Zoning Board of Appeals Recording Secretary

Approved:

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Gail Hicks-Chair

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Date