

# Armada Township

## ZONING BOARD OF APPEALS

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## ZONING BOARD of APPEALS

### Minutes

August 19, 2019

7:00 p.m.

1. CALL TO ORDER
  2. PLEDGE OF ALLEGIANCE
  3. ROLL CALL
  4. APPROVE / AMEND AGENDA
  5. APPROVAL OF MINUTES: April 8, 2019
  6. PUBLIC HEARING: Variance requests for Set-back for Pond Neil & Katrina Todd 19077 Irwin Rd.
  7. NEW BUSINESS: A.) Variance requests for Set-back for Pond Neil & Katrina Todd 19077 Irwin Rd.
  8. PUBLIC COMMENTS
  9. ADJOURNMENT
- .....

- 1.) **Call to Order:** Chair Hicks called the meeting to order at 7:02 p.m.
- 2.) Chair Hicks led the audience in the **Pledge of Allegiance**.
- 3.) **Roll Call:** Members Present: Chair Hicks, Vice-Chair Kehrig, Tharp, Finlay, Xagoraris. Also, present: Christine White, Recording Secretary.
- 4.) **Approve/Amend Agenda: Motion made by Kehrig, seconded by Finlay, to approve the agenda as presented. All ayes: Motion Carried.**
- 5.) **Approval of Minutes:** Minutes from April 8, 2019. **Motion made by Finlay, seconded by Tharp, to approve minutes from April 8, 2019 as presented. All Ayes: Motion Carried.**
- 6.) **Public Hearing: Variance Requests for Set-back for Pond for Neil & Katrina Todd 19077 Irwin Rd.:** Chair Hicks stated that all necessary notices had been documented. **Motion made by Kehrig, seconded by Xagoraris, to open the Public Hearing at 7:04 p.m. All ayes: Motion Carried.** Chair Hicks read two letters that were received. Robert Fritz is in support of the variance. Daryl Tokarczyk is in support of the variance. Both stated in their letters that it would help with drainage for both of their properties. Robert Fritz also called the township office to verbally support the variance. Mr. & Mrs. Neil Todd presented that their property is under water until mid-June every year. They would like to dig a pond with adequate depth that exceeds ten feet to help with property drainage. To make an unusual piece of property useable. They have combined the property and have 11.5 acres. The frontage is 266 feet wide. The 100 feet from the property line for ponds in this situation actually makes the pond closer to the residence and neighbors. If the pond went the width of the property versus the length it would look nicer, and the increased dimension would provide the recommended depth of 10 feet. Digging the pond further away from the three houses, even if it is closer to the property line makes

more sense. The property holds water nine to ten months out of the year. 200 yards of dirt have been brought in with no improvement. Both neighbors are under water too. Drainage is the main reason, they cannot mow and it affects the garden, and cannot get into the wooded area of the property. They also intend to ditch and slope along the property lines between the houses. They want it to be a close to the woods as possible. They have five children and would like to enjoy the use of all their property.

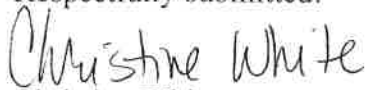
**Motion made by Kehrig, seconded by Xagoraris, to close the Public Hearing at 7:18 p.m. All ayes: Motion Carried.**

**7.) New Business: A.) Variance requests for Set-back for Pond Neil & Katrina Todd 19077 Irwin Rd.:** Kehrig went through the ordinance for the pond requirements. Discussion of how the strict enforcement of the provisions of the Township Zoning Ordinance would cause the practical difficult and deprive the owner of rights enjoyed by all other property owners owning property within the same district is that through discussion it was determined that flooding and the inability to meet the ordinance as written. The members did the math a couple of different ways to come up with the width of the pond necessary to meet the depth to ratio requirements of the pond as to the 25 feet set-back the applicant was requesting. With the 25 feet request the pond width would be 116 feet wide. 84 feet minimum is what was determined to meet the ordinance. 284 feet is the frontage needed to meet the requirements of the ordinance. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district is that the neighbors will benefit from the positive improvement. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property because flooding does deny property use. The requested variance will not be contrary to the spirit and intent of the Zoning Ordinance because no one is harmed. The members went through the math of exactly how many feet would be needed. **Motion made by Kehrig, seconded by Xagoraris, to approve a 12 feet set-back variance for each side property line due to practical difficulty caused by flooding and inability to meet the ordinance as written. The parcel is a unique T shape that is 11.5 acres and it will not confer special privilege or be contrary to the spirit of the ordinance because it will benefit neighboring parcels. The applicant will provide information from the contractor that verifies the benefits of all three parcels. All ayes: Motion Carried.**

**Public Comments: None.**

**9.) Adjournment: Motion made by Kehrig, seconded by Tharp, to adjourn meeting at 8:04 p.m. All ayes: Motion Carried.**

Respectfully submitted:



Christine White

Recording Secretary

Approved:

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Gail Hicks, Chairperson

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Date