

**ROSE TOWNSHIP ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF JANUARY 5, 2021**

ROSE TOWNSHIP - TOWNSHIP OFFICES
9080 MASON STREET HOLLY, MICHIGAN

PLACE: Virtual – gotomeeting.com Gotomeeting.com administrator: Supervisor Scheib-Snider

Chairperson Koop called meeting to order at 7:01 pm.

Secretary Sharich called the roll:

Present: Koop, Brooks, Gambka, Stouffer, Sharich also serving as Recording Secretary
Absent: None

Also Present: Dianne Scheib-Snider- Supervisor
David Plewes - Zoning Administrator
Jim Holton
Krystal McKeown

OTHERS: Callers 03

APPROVAL OF AGENDA:

Motion to approve the agenda

Motion by: Sharich
Seconded by: Gambka
Ayes: Stouffer, Gambka, Sharich, Brooks, Koop
Nays: None
Motion carried

MEETING MINUTES:

January 7, 2020 – Motion to approve minutes as presented (after removing errant B typo)

Motion by: Brooks
Seconded by: Stouffer
Ayes: Brooks, Sharich, Koop, Stouffer, Gambka
Nays: None
Absent: None
Motion carried

PUBLIC COMMENT – NON-AGENDA ITEMS:

None

PUBLIC HEARING:

Brian McKeown 8260 Chiefs Dr. Parcel 06-30-302-007

Requesting 11 ft. front setback variance, 30 ft. rear setback variance and 4.5% maximum land coverage variance to construct detached garage.

Chairperson Koop opened the public hearing at 7:06 pm requesting staff report from Dave Plewes, Zoning Administrator. Plewes reported all property owners within 300 ft. were notified, there were two phone calls asking for clarification of request, both were satisfied after explanation. Plewes further explained there was discrepancy with land coverage calculations, he went with the largest to avoid any discrepancies. This property was previously two parcels separated by Chief's Dr. Applicant went through the process of vacating the platted road end and re-plating the entire property creating one parcel.

Koop called for applicant input. Brian McKeown stated they bought the property and home in 2014, he noted this was a unique piece of property because it is at the end of the road and included an extra lot.

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McKeown explained this has been a six-year process to get through the vacating of the road end and the re-plating which finally leads to this request in order to build a 26' x 40' two story garage. He acknowledged that this process changed the orientation of the lot which in turn altered the yard setbacks locations.

Koop called for board comments, if any. Gambka questioned if applicant will be removing the existing white temporary structure, McKeown stated it will be removed before construction begins. Sharich questioned the use of the building. McKeown replied it will only be used for storage of vehicles, tools, lawn equipment and the second story will be for storage of household items. Sharich asked McKeown to state for the record this building will never be used as a residence, McKeown stated it will always remain a garage. Sharich questioned the distance between the residence and proposed garage, McKeown stated 15 ft. Stouffer questioned if applicant had to pay for portion of the abandoned road, McKeown replied the only fees were those associated with the abandonment. Stouffer asked if applicant was aware of the change to setbacks, McKeown stated not until recently. Koop questioned where the septic system is located, McKeown answered, they had the tank pumped in 2017 at which time the septic tank was located along the south side of the residence, which is why the decision was made to not construct an attached garage. Koop then questioned where the septic field was located, McKeown answered on the original parcel with the home. Koop questioned if it was an engineered field, McKeown stated it was not. Stouffer asked how applicant knows he is not proposing to construct on the septic field, McKeown replied he is using the information provided by the septic tank cleaner. McKeown further added he plans to have architectural plans drawn up. Stouffer asked if there was a determined size that could be built without variance for land coverage. Dave Plewes noted that in order to maintain the 30% max coverage the building can be no larger than 700 sq. ft. further noting that, if necessary, he does have room to shift the building on the lot and not cause any further variances. Brooks added what hurt applicant was by combining lots it added to its non-conformity, thereby rendering the lot unbuildable therefore this is clearly a self-created hardship. McKeown stated he was acting on information provided by Township officials, adding this garage, as proposed, will not adversely affect any neighbors or impede any neighbor's enjoyment of their property.

Koop called for audience comment, there was none.

Koop closed public hearing 7:41pm

Board discussion: Gambka stated applicant may have to move proposed structure to accommodate septic field. Plewes noted he can move the structure up to 15 additional feet toward the side lot line and remain conforming. Koop called into question the land coverage noting that the Ordinance requires decks to be included in land coverage calculations and by his calculations the applicant will be 45% over what is allowed. Stouffer questioned if Rose Township includes decks, Koop read definition of "structures" which suggests it could include decks. Koop further noted the Oakland County Health Dept. will determine where the structure could be built once the drain field footprint has been established. Koop stated, he feels, applicant should have some accessory building but not as large as requested. McKeown added this is just a plan and he is not opposed to some changes. Koop stated the Board is not required to approve variances as requested and may modify requests. Koop noted this request would be giving applicant something others in the area do not have. Brooks added while he is sympathetic to applicant the #1 rule is to maintain the integrity of the Ordinance, granting these variances will compound non-conformity of the property. Brooks also added he has concerns with safety and the ability of emergency vehicles accessing this property and neighboring properties. McKeown replied that there never has been an issue with anyone using the turnaround, in fact garbage trucks, UPS, USPS and others use Chiefs Dr. with no issue. He further added where this lot is located is unique due to the dead-end street and will never affect neighbor's standard of living. Plewes questioned if the Board would like more time to reflect on this matter, then McKeown would have some time to perhaps adjust his request. Stouffer stated the land coverage area needs to be addressed. Koop noted he is concerned with the bulk of the building as requested. Sharich questioned if applicant would like to postpone this hearing to address board concerns, McKeown stated he wants to continue forward with request. Koop asked applicant if it is his preference to have a decision tonight, McKeown stated he would like to move forward with some guidance because he does not wish to

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only build a shed. Stouffer noted we cannot give applicant guidance as to what will or will not pass. McKeown asked what recourse there is if this request doesn't pass, Koop advised the only recourse is Circuit Court

Stouffer inquired if we should vote on these variances in one motion or if we should divide it into three separate motions. Koop advised it would be cleaner if we divide the requests into three separate motions.

Motion to approve 11ft. front yard setback variance
Motion by: Stouffer
Seconded by: Sharich

Board discussion: Stouffer asked for clarification of the jog in the front property line. After a lengthy discussion applicant explained it was a 3 ft. jog which was not taken into consideration when the request for front back setback variance was made. Stouffer stated based on discussion he would like to modify motion to a 16 ft. front setback variance

Motion to approve as amended to 16 ft. front yard setback variance
Motion by: Stouffer
Seconded by: Sharich
Ayes: Gambka, Stouffer, Sharich
Nays: Koop, Brooks,
Motion carried

Motion to approve 30 ft. rear yard setback variance
Motion by: Stouffer
Seconded by: Sharich
Ayes: Sharich, Gambka, Stouffer
Nays: Brooks, Koop
Motion carried

A lengthy discussion was held regarding the variance needed to the required maximum 30% land coverage. There was confusion as to what figures provided are the ones necessary for that determination. It was determined that the applicant needs 14% variance to the maximum 30% land coverage requirement.

Motion to approve as amended 14% variance to the maximum 30% land coverage requirement
Motion by: Stouffer
Seconded by: Sharich

Koop called for further discussion based on the fact this motion allows applicant a greater variance than requested. Koop stated it is his opinion this request would grant appellant a privilege greater than other properties in the area enjoy. Koop stated he would like the motion amended to include clarifying language as to how many square feet 14% represents and that accessory building be no more than 1 story with a maximum height of 15 ft.

Motion to approve, as amended, a 14% variance (1,052 sq. ft.) to the maximum 30% land coverage requirement with the conditions that the building be no more than one story with a maximum height of 15 ft.
Motion by: Stouffer
Seconded by: Sharich
Ayes: Sharich, Gambka
Nays: Brooks, Koop, Stouffer
Motion failed

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UNFINISHED BUSINESS:**

None

NEW BUSINESS:

Election of Officers –

Motion by Sharich to nominate Chester Koop Chairperson - 2021

Motion by: Sharich
Seconded by: Brooks
Ayes: Gambka, Sharich, Stouffer, Koop, Brooks
Nays: None
Absent: None
Motion carried

Motion by Sharich to nominate Mike Brooks Vice Chairperson - 2021

Motion by: Sharich
Seconded by: Stouffer
Ayes: Koop, Gambka, Stouffer, Brooks, Sharich
Nays: None
Absent: None
Motion carried

Motion by Brooks to nominate Penny Sharich Secretary - 2021

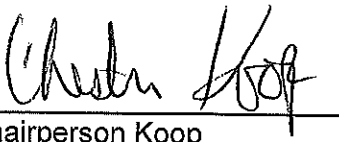
Motion by: Brooks
Seconded by: Koop
Ayes: Sharich, Stouffer, Brooks, Koop, Gambka,
Nays: None
Absent: None
Motion carried

CORRESPONDENCE/COMMUNICATIONS:

PUBLIC COMMENT – Non Agenda Items:

Brian McKeown spoke regarding the Board's decisions at this meeting, stating his displeasure at the way ZBA decided his case.

ADJOURN: 9:52 pm



Chairperson Koop



Secretary Sharich

Minutes Posted 01/15/21