

PRESENT Richard Chowaniec, Chairman; Keith Cheresko, Secretary; Members
Richard Huber, Lance Oberg, Dale Wiltse

ABSENT George Joerin, Vice-Chairman; Richard Lemke

ALSO PRESENT Brien and Karen Worrell; Marc Elliot; Garie Vorpapel; Timothy
Brandt, Building Official/Planning & Zoning Administrator; Debby
Frazer, Recording Secretary

Chairman Chowaniec called the meeting to order at 7:30 p.m. and lead the Pledge of Allegiance.

PLANNING COMMISSION LIAISON REPORT

Mr. Lemke was absent, no report was given.

TOWNSHIP BOARD LIAISON REPORT

Mr. Wiltse reported on the Board meeting of October 19, 2011.

UNFINISHED BUSINESS

CASE V-11-004 NADINE BINKLEY, 4950 TECHNICAL DRIVE, 16-35-351-018, M-2 ZONING DISTRICT, SECTION 32-480 (13) FIRE AND SAFETY HAZARDS.
ORDINANCE REQUIRES THE ABOVE GROUND STORAGE OF ALL FLAMMABLE LIQUID MATERIALS TO BE 150 FEET FROM ALL PROPERTY LINES. APPLICANT PROPOSES A SETBACK OF 40.5 FEET TO THE NORTH PROPERTY LINE FOR THE PLACEMENT OF ABOVE-GROUND FUELING STORAGE TANKS.

Brien Worrell, 617 Sleepy Hollow, stated he is now the owner of 4950 Technical Drive. He also stated he was speaking on his own behalf after confirming with the Township Attorney his status as a Township Trustee would not result in a conflict.

Mr. Worrell stated the variance was necessary as there was no place to relocate the tanks at the rear of the property due to water runoff and wetland considerations. He explained why the required 150 foot setback could not be met on the property and illustrated the concern on a diagram of the property. The setback would not allow the tanks to be placed in an area that would not create other environmental issues. As requested, Mr. Worrell indicated he had met with the Fire Chief and understood the Fire Department's decision on location and the need for placement of protective barriers for the storage tanks.

He informed the Board the pumps were functional because the pad was placed at the same location as that of the previous underground tanks (which have been removed). Mr. Worrell stated these new tanks will be above ground, there is explosive-proof conduit for electricity already installed and lighting, a concrete pad, bollards/barriers,

and fire extinguishers will be installed. An existing quick shut-off switch is located inside the building and another will be installed outside.

Prior to commencing official fact finding, Chairman Chowaniec explained to the applicant the Board's voting requirements and how the lack of a full Board could impact voting in the applicant's matter. Mr. Worrell indicated he understood and elected to have the Board proceed to a decision.

Chairman Chowaniec called for finding of facts.

Findings of Fact:

1. The ordinance-specified set back of 150 feet from all property lines cannot be met because of location of existing buildings.
2. The proposed location will enhance public safety by making the tanks visible to law enforcement.
3. As requested applicant had the Fire Chief review the proposed location and the Fire Chief has given approval of location subject to conditions which applicant acknowledges and will comply such as additional barricades being placed.
4. The proposed location takes into account the topography of the property and cross flow of ground water run-off. The location appears to minimize problems that could be created from a pad overflow if the pumps were to be located elsewhere on the property.
5. The proposed location provides for appropriate egress and ingress lanes allowing trucks to move freely without interfering with the pumps.
6. The proposed location is more favorable for security issues.

V-11-004, NADINE BINKLEY, 4950 TECHNICAL DRIVE, 16-35-351-018

Mr. Oberg moved, Mr. Wiltse seconded, based on the facts, to recommend variance V-11-004 be approved with a 40.5 foot setback with the condition that the items requested by the Fire Chief in his letter dated October 20, 2011 be provided.

Motion unanimously CARRIED.

NEW BUSINESS

PUBLIC HEARING

V-11-005 MARC ELLIOT, 340 W. DAWSON ROAD, 16-15-400-079. ORDINANCE NO. 196 SEC. 32-572(1) AND (3). R1-S ZONING DISTRICT, ACCESSOR BUILDINGS AND STRUCTURES. ORDINANCE LIMITS THE NUMBER OF ACCESSORY BUILDINGS ON LOTS OF TWO ACRES OR LESS TO ONE BUILDING AND PROHIBITS THE ERECTION OF THESE BUILDINGS IN THE FRONT YARD. APPLICANT PROPOSES TO REPLACE AN EXISTING FOURTH ACCESSORY BUILDING LOCATED IN THE FRONT YARD.

Chairman Chowaniec opened the Public Hearing at 7:55 p.m.

Marc Elliot, 340 W. Dawson, gave a brief explanation of the property, its existing buildings and the historical background and nature of their residence. Mr. Elliot stated the request for rebuilding the garage in the same location as the old garage was based on the restrictions caused by the topography of the property and also the historical nature of the property.

Chairman Chowaniec asked for public comments on the request and being none, closed the Public Hearing at 7:58 p.m.

The Board continued discussion about the existing buildings, how they were being currently used, and their locations on the property. There was also discussion about the installation of Adams Road which was believed to have occurred when previous owners split the property.

Mr. Brandt stated there was not precedent regarding having more than one building on a property prior to changing the ordinance.

Mr. Huber stated the issue of front yard setback requirements due to new developments and road placement through existing properties had been addressed in prior appeals.

Prior to commencing official fact finding, Chairman Chowaniec explained to the applicant the Board's voting requirements and how the lack of a full Board could impact voting in the applicant's matter. Mr. Elliot indicated he understood and elected to have the Board proceed to a decision.

Chairman Chowaniec called for finding of facts regarding front yard variance.

Findings of Fact:

1. Based on the location of the septic field and topographical issues to the east, the suggested site is a reasonable location.
2. There is a pre-existing barn in the front yard setback that obscures the line of sight of the proposed location for the garage.
3. The request for the variance for the front yard ordinance was supported when the government approved the installation of Adams Road, creating a front yard to the west of the residential structure which was not there prior to creation of the road.
4. Before the placement of Adams Road, the side yard ordinance requirements would have been met.

V-11-005, MARC ELLIOT, 340 W. DAWSON ROAD, 16-15-400-079

Mr. Cheresko moved, Mr. Huber seconded, subject to the decision on the second part of this variance request and on the facts found, to approve V-11-005 for the front yard setback location of the accessory building. **Motion unanimously CARRIED.**

Chairman Chowaniec called for finding of facts regarding more than two accessory buildings on the property.

Findings of Fact:

1. Keeping the fourth accessory building continues the heritage and the historical significance of the property.
2. The architectural character of the garage will be consistent with the current appearance of the house.
3. Not granting the requested variance would deny the petitioner a garage which is something others in the area enjoy.
4. Township ordinance supports residential structures having a garage for the storage of property.
5. The applicant's commitment to build the structure with comparable architectural character to the other buildings on the property shows the desire to maintain the historical nature of the property.
6. There will not be plumbing in the building.
7. The garage will be 26 feet x 25 feet.

V-11-005, MARC ELLIOT, 340 W. DAWSON ROAD, 16-15-400-079

Mr. Wiltse moved, Mr. Oberg seconded, based on the facts, to approve variance V-11-005 to allow the replacement of the fourth accessory building, the garage. **Motion unanimously CARRIED.**

PUBLIC HEARING

V-11-006 GARIE VORPAGEL, 1007 PEARSON DRIVE, 16-02-303-025. R-1 ZONING DISTRICT. ORDINANCE NO. 196, Sec. 32-572(3). ORDINANCE REQUIRES THAT DETACHED ACCESSORY STRUCTURES NOT BE ERECTED IN ANY FRONT YARD. APPLICANT PROPOSES A DETACHED GARAGE LOCATED BETWEEN THE HOME AND ROAD.

Chairman Chowaniec opened the Public Hearing at 8:21 p.m.

Mr. Vorpapel, 1007 Pearson Drive, stated he would like to build a 16' x 24' garage across the street from his house. The existing Pearson Drive is 200 feet beyond the proposed garage.

Chairman Chowaniec asked for public comments on the request and being none, closed the Public Hearing at 8:23 p.m.

Mr. Huber commented on the garage door facing the house, and the minimal depth and small dimensions of the garage as it cut into the hill. Mr. Vorpapel stated he would like to excavate as little as possible. Because of the leaching of the hill, Mr. Vorpapel stated he planned to bring up the back of the garage with block.

Prior to commencing official fact finding, Chairman Chowaniec explained to the applicant the Board's voting requirements and how the lack of a full Board could impact voting in the applicant's matter. Mr. Vorpapel indicated he understood and elected to have the Board proceed to a decision.

Chairman Chowaniec called for finding of facts for the location of the garage.

Findings of Fact:

1. There is no other location on this property to place a garage.
2. The proposed location is consistent with what other property owners have been permitted to do.
3. Denying applicant's requested variance would prohibit him from enjoying the same benefits as other similar situated properties in the same area.
4. The request is a result of the placement of the existing road versus the platted road, giving the illusion this is nonconforming placement to the road.

V-11-006, GARIE VORPAGEL, 1007 PEARSON DRIVE, 16-02-303-025

Mr. Oberg moved, Mr. Wiltse seconded, based on the facts, to approve variance V-11-006 to allow placement the detached garage. **Motion unanimously CARRIED.**

APPROVAL OF MINUTES

October 12, 2011

Mr. Cheresko requested several corrections to the minutes.

Mr. Oberg moved, Mr. Huber seconded, to approve the minutes of October 12, 2011, as corrected. **Motion unanimously CARRIED.**

CALL TO THE PUBLIC

There was no comment from the public.

BOARD MEMBER REMARKS

Mr. Oberg reminded everyone of the Veteran's Day Ceremony to be held in Central Park on Friday, November 11, at 11:00 a.m. He also thanked Holly Brandt for her past work with the ZBA as recording secretary, and welcomed Debby Frazer.

ADJOURNMENT

Mr. Oberg moved, Mr. Cheresko seconded, to adjourn the meeting at 8:35 pm. **Motion unanimously CARRIED.**

Charter Township of Milford,

Keith Cheresko,
Secretary