

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 1 of 8**

1. CALL TO ORDER

The meeting of the Superior Charter Township Zoning Board of Appeals was called to order by Chairman Rintamaki at 7:00 p.m.

2. ROLL CALL

The Zoning Board of Appeals members present were Deeds, Guenther, Heningburg, Lewis and Rintamaki. Dail and Parm were absent. Rick Mayernik, Building and Zoning Official was also in attendance.

3. ADOPTION OF AGENDA

A motion was made by Lewis and supported by Deeds to adopt the agenda as presented. The motion carried.

4. APPROVAL OF MINUTES

A motion was made by Guenther and supported by Deeds to approve the minutes of October 22, 2013 as presented. The motion carried.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

There were no Communications.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

- A. ZBA#14-01 Variance from Section 3.101 (Dimensional Standards) to reduce the required front yard setback to allow an addition to an existing accessory building. The property is located at 6776 Ford Rd. and is zoned A-2 (Agriculture.)

1. Public hearing

A motion was made by Deeds and supported by Lewis to open the public hearing. The motion carried with the following vote:

Yes: Deeds, Guenther, Heningburg, Lewis and Rintamaki.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 2 of 8**

No: None
Absent: Dail and Parm
Abstain: None

Gregory Carriere, the applicant, described the request to build a 1,200 s.f. pole barn addition with a 28-foot front yard setback. He said the A-2 zoning requires a 75-foot front yard setback and 50 feet from the back and sides of the property and 10 feet from the house. He said this restricts the location of a structure to the area of the lot that has many hardwood trees and a pond. He said there is also a natural berm that exists midway across the property that channels the stormwater runoff to the pond. He also said when the barn was originally constructed in 1999, a front yard setback variance was granted because of the slope of the land prevented the building from meeting the setback.

Mayernik said the ZBA granted a variance in 1999 that allowed construction of the existing barn 28 feet from the access easement. He said the addition will align with the existing barn. He also noted that the setback requirements for the principal structure were changed

Rintamaki said that building anywhere else on the site would interfere with the drainage pattern. He also noted that the addition would not encroach into the required front yard setback any further than the existing barn does.

A motion was made by Deeds and supported by Guenther to close the public hearing. The motion carried with the following vote:

Yes: Deeds, Guenther, Heningburg, Lewis and Rintamaki.
No: None
Absent: Dail and Parm
Abstain: None

2. Board deliberation and action.

Rintamaki said the zoning ordinance is a set of rules to govern the Township. He said to approve the variance the Board must make favorable findings based on Section 13.08(B) *Variances - Standards for Review*.

The Board considered the request for a variance from Section 3.101(Dimensional Standards) first.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 3 of 8**

1. *Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:*
 - a. *The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.*
 - b. *The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.*

The Board found that there is a unique circumstance with the topography of the site. Furthermore, the setback regulations were changed after the property was originally developed, making the principal structure legal non-conforming. This is not the result of actions of the applicant.

2. *Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.*

The Board found that the applicant would be denied the ability to expand an accessory structure

3. *Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.*

The Board found that the standard was not applicable.

4. *A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.*

The Board found that the request is reasonable.

5. *The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.*

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 4 of 8**

The Board determined that the variance would not be injurious to the environment, neighborhood or detrimental to the public interest and it would preserve existing large trees.

A motion was made by Deeds and supported by Lewis to approve #ZBA 14-01 a variance from Section 3.101 (Dimensional Standards) and extend the maximum front yard setback from 35 feet to 250 for 6776 Ford Rd., feet finding that it meets the standards in Section 13.08(B)(1), (2), (3), (4) and (5) in each case.

The motion passed with the following vote:

YES: Deeds, Guenther, Heningburg, Lewis and Rintamaki
NO: None
ABSENT: Dail and Parm
ABSTAIN: None

B. ZBA #14-02 Variance from Section 6.03(2)(b)(Accessory Structures and Uses) to allow an addition to existing accessory building located in the required front yard. The property is located at 5395 Stark Strasse. The front yard is considered to be the side of the property with frontage on the Huron River (Section 17.03(a)(2)). The property is zoned A-2 (Agriculture.)

1. Public hearing

A motion was made by Deeds and supported by Lewis to open the public hearing. The motion carried with the following vote:

Yes: Deeds, Guenther, Heningburg, Lewis and Rintamaki.
No: None
Absent: Dail and Parm
Abstain: None

Carl Heuter, the architect representing the applicant, described the request to add to an existing garage. He said Section 6.03 of the Zoning Ordinance requires the location for accessory buildings to be set behind the rear line of the principal structure. He said this is a riverfront property so the front yard setback is measured from the river. He said there is minimal property behind the defined rear principal building line. He described the history of the structure built in 1939.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 5 of 8**

Mayernik said prior to 2008, river-front parcels were considered to have front yards adjacent to the road right-of-way, just as any other lot. He said garages and other accessory buildings had to be constructed between the house and the river. He said in 2008 the zoning ordinance was revised to consider the river-side of a parcel to be the front yard. He said it can be difficult to determine and apply setbacks for river lots. He said in this case, the existing garage, which had been built in the rear yard, became legal-nonconforming because it is now in the required front yard. Rintamaki said addition would be non-conforming anywhere on the site.

There were no additional comments.

A motion was made by Deeds and supported by Lewis to close the public hearing. The motion carried with the following vote:

Yes: Deeds, Guenther, Heningburg, Lewis and Rintamaki.
No: None
Absent: Dail and Parm
Abstain: None

2. Board deliberation and action.

Rintamaki said the zoning ordinance is a set of rules to govern the Township. He said to approve the variances, the Board must make favorable findings based on Section 13.08(B) *Variances - Standards for Review*.

The Board considered the request for a variance from Section 3.101(Dimensional Standards) first.

1. *Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:*
 - a. *The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.*
 - b. *The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.*

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 6 of 8**

The Board found that there are unique circumstances in the layout of the property and conditions that prevent placing the addition in the rear yard. This is not the result of actions of the applicant. Additionally, if the garage was expanded before 2008, a setback variance would not be necessary.

2. *Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.*

The Board found that expanding an accessory building is a right for a property of this size.

3. *Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.*

The Board found that the request satisfied this standard.

4. *A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.*

The Board found that the standard is met. As a minimum variance, no part of the structure will be in the floodplain.

5. *The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.*

The Board determined that the variance would not be injurious to the environment, neighborhood or detrimental to the public interest. It was noted that the Township is strong on preserving trees and other natural features.

A motion was made by Deeds and supported by Lewis to approve ZBA#14-02 a variance from Section 6.03(2)(b)(Accessory Structures and Uses) to allow an addition to an existing accessory building located in the required front yard at 5395 Stark Strasse. The motion passed with the following vote:

YES: Deeds, Guenther, Henningburg, Lewis and Rintamaki
NO: None

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 7 of 8**

ABSENT: Dail and Parm
ABSTAIN: None

C. ZBA#14-03 Interpretation of the Zoning Ordinance to allow private riding lessons to be given at a private boarding stable located 3085 Berry Rd. The property is zoned A-1(Agriculture.)

1. Public hearing

A motion was made by Deeds and supported by Lewis to open the public hearing. The motion carried with the following vote:

Yes: Deeds, Guenther, Henningburg, Lewis and Rintamaki.
No: None
Absent: Dail and Parm
Abstain: None

Allison Howson, the applicant, described the request. She said she wants to board horses as a private stable. She also wants to give riding lessons to the owners boarding their horses on site and to also provide horses for lessons to students who do not have their own horse. She said the lessons would be by appointment only and not available to the general public. She said the horses would not be available for rent. She compared the experience to a private golf club.

A motion was made by Deeds and supported by Lewis to close the public hearing. The motion carried with the following vote:

Yes: Deeds, Guenther, Henningburg, Lewis and Rintamaki.
No: None
Absent: Dail and Parm
Abstain: None

2. Board deliberation and action

Deeds asked how riding lessons compared to the Zoning Ordinance definition of home occupations that allow giving lessons. Guenther said by definition, a home occupation is done in the house and is limited to 20% of the structure. He also noted that the Zoning Ordinance definition of a public stable includes a reference to giving lessons and a private stable does not. Howson said the lessons would be by invitation only and people could not walk up to the house and ask for lessons.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
JULY 24, 2014
PAGE 8 of 8**

Guenther said if something is offered to the public, it must be considered public. Rintamaki noted that if the stable was considered public, it would require a larger parcel. He said the Zoning Ordinance requires public stables to be a minimum of 20 acres and this property is only 5 acres.

Guenther said the Board has to consider the impact of the use on adjoining properties, such as traffic to the site. Mayernik said he considered that the act of outside people coming onto the property to take a lesson may be indistinguishable from someone who is boarding a horse and coming to the site regularly. He said however, he was concerned that it would set a precedent for further relaxing the zoning ordinance standards.

A motion was made by Deeds and supported by Guenther to approve ZBA#14-03 Interpretation of the Zoning Ordinance to allow private riding lessons to be given at a private boarding stable located 3085 Berry Rd. The motion failed with following vote:

Yes:	None
No:	Deeds, Guenther, Heningburg, Lewis and Rintamaki.
Absent:	Dail and Parm
Abstain:	None

Rintamaki advised the applicant that the request was not approved but if she wanted to limit the activity to boarding horses, it would meet the standard for a private stable.

9. OTHER BUSINESS AS NECESSARY

There was no Other Business.

10. ADJOURNMENT

A motion was made by Lewis and supported by Guenther to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

John Rintamaki, Chairman Zoning Board of Appeals

Deborah L. Kuehn, Recording Secretary Superior Charter Township
3040 N. Prospect, Ypsilanti, MI 48198