

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 11, 2014
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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 Dail, Deeds, Parm and Rintamaki. Guenther, Henningburg and Lewis were absent. Rick Mayernik, Building and Zoning Official, was also in attendance.

3. ADOPTION OF AGENDA

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

4. APPROVAL OF MINUTES

A motion was made by Deeds and supported by Parm to approve the minutes of July 24, 2014 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#14-04 Variance from Section 3.101 (Dimensional Standards) to reduce the required front yard setback to allow an addition to an existing house. The property is located at 8930 Joy Rd. and is zoned A-2 (Agriculture.)

1. Public hearing

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

Yes: Dail, Deeds, Parm and Rintamaki.

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No: None
Absent: Guenther, Heningburg and Lewis
Abstain: None

Azadeh Ezati, the applicant, described the request to build an addition to an existing house that will allow her mother to live with them. She said the existing house is nonconforming because it is 5 feet within the front yard setback. She said there is no other logical location for the addition because of the location of the septic field. She said the proposed addition will line up with the front wall of the existing house

Rintamaki asked if other locations were explored. Ms. Ezati said other locations had been considered

(People from the audience spoke in support of variance.)

Mayernik said the addition includes a new 3-car garage, a laundry room, a half bath on the first floor; and a master bedroom, an office and a full bath on the second floor.

Mayernik said the front yard setback requirements have changed over the years along with the right-of-way. He said in 1978, the zoning ordinance changed the front yard setback from 50 to 60 feet. In 1987, a new 66'-wide easement was recorded placing the house further away from the road but still within the required front yard setback. In 1997, the minimum setback was increased from 60 to 75 feet. He stated the ROW is measured from the boundary of the ROW not the center.

Deeds said that the addition does not increase the non-conformity. Rintamaki noted that the location of the existing septic fields and slope of the land limit the where the addition can be located.

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

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

2. Board deliberation and action.

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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.*

The Board found that there is a unique circumstance with the topography of the site and the location of the septic field. 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 the 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.*

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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.*

The Board determined that the variance would not be injurious to the environment, neighborhood or detrimental to the public interest. Several neighboring residents signed the application stating they had no objections to the addition and in fact supported it.

A motion was made by Deeds and supported by Parm to approve ZBA#14-04 a variance from Section 3.101 (Dimensional Standards) to allow a front yard setback reduction from 75 feet to 37 feet for 8930 Joy Rd., 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: Dail, Deeds, Parm and Rintamaki.
No: None
Absent: Guenther, Heningburg and Lewis
Abstain: None

9. OTHER BUSINESS AS NECESSARY

There was no Other Business.

10. ADJOURNMENT

A motion was made by Parm and supported by Deeds to adjourn the meeting at 7:20 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