

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 16, 2020
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1. CALL TO ORDER

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

2. ROLL CALL

The Zoning Board of Appeals members present were Dail, Deeds, Guenther, and Parm. Rick Mayernik, Building and Zoning Official, was also in attendance. A quorum was present.

3. ADOPTION OF AGENDA

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

4. APPROVAL OF MINUTES

A motion was made by Member Guenther and supported by Member Parm to approve the minutes of June 25, 2019. The motion carried by voice vote.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

None.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

- A. ZBA #20-01 – Variance from Section 6.03(2)(b) (Accessory Structures and Uses) to allow for the construction of an accessory structure in the required front yard setback. The property is located at 7515 Plymouth Road and is zoned R2 (Single Family Residential).

Motion by Member Deeds and supported by Member Parm to open the public hearing.

Laura Garrity, 7493 Plymouth Road, voiced support of the shed location.

Mike Cianfrocco, 3925 Albert Road, stated that he has no problem with

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the proposed shed location. The applicant's property is unique and there really is not a good spot to put the shed.

Motion by Member Deeds and supported by Member Parm to close the public hearing.

Member Dail noted the applicant is requesting to put the shed within the fifty-foot setback, but not in the county road right-of-way.

Mr. Mayernik stated that was correct. He added that when you live on a corner lot both sides with road frontage are considered to be front yard setback.

Member Dail inquired about construction in the flood plain.

Mr. Mayernik replied that to construct in the flood plain the applicant would need a permit and construction would be such that water could flow through the structure; flood louvers for example. It would be complex and on this particular lot, the way the grade is, he is not sure it would be practical.

Member Guenther questioned whether this request for variance would meet all the standards of review.

Member Dail explained the applicant purchased the property after the property was delineated and the flood plain already existed. In his opinion, to build within the flood plain would require an unreasonable construction technique.

Member Dail reviewed the following five standards in Section 13.08B of the Zoning Ordinance.

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.

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- b. The special conditions and circumstances on which the variance request is based do not result from the 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.
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.
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.
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.

Members Dail and Guenther concluded that due to existing conditions, a precedence would not be set by approving the variance.

Member Deeds agreed every outcome is unique and this would not set a precedence.

Member Dail explained that because this storage shed is less than 200 square feet a building permit is not required.

Motion by Member Deeds, supported by Member Parm, to approve ZBA #20-01, granting a variance from Section 6.03(2)(b) (Accessory Structures and Uses) to allow for the construction of an accessory structure in the required front yard setback.

Roll Call Vote:

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

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The Motion Carried.

8. OLD BUSINESS

None.

9. OTHER BUSINESS AS NECESSARY

A. Election of Officers for 2020

Motion by Member Dail, supported by Member Parm to wait until the seventh member of the Zoning Board of Appeals is appointed to vote for officers.

The Motion Carried.

10. ADJOURNMENT

A motion was made by Member Parm and supported by Member Guenther to adjourn the meeting at 7:54 p.m.

Respectfully submitted,

Doug Dail, Vice-Chairman Zoning Board of Appeals

Laura Bennett, Recording Secretary Superior Charter Township
3040 N. Prospect, Ypsilanti, MI 48198