

**Ash Township
Zoning Board of Appeals
Meeting Minutes
March 5, 2013**

Held on: Meeting was called to order by Chairman Stumpmier on Tuesday, March 5, 2013, at 7:30 p.m. in the Ash Township Hall, 1677 Ready Rd., Carleton, MI.

Members Present: Sid Stumpmier, Jerry Hunter, Jim Booth and Darrell Mossburg.

Members Absent: Ron Keilman and Ace DeVillez

Others Present: Jim Vaslo – Twp. Manager, and 13 citizens

Chairman asked if everyone received a copy of the September 4, 2012, minutes and if there were any additions or corrections?

Motion #105 Motion to Approve Minutes.

Motion by Mossburg supported by Booth to approve as presented the Zoning Board of Appeals meeting minutes of September 4, 2012. Voice vote taken. Motion carried.

Motion #106 Agenda Approval.

Motion by Booth supported by Mossburg to approve the agenda as corrected. Voice vote taken. Motion carried.

Old Business:

None

New Business:

1. A **Public Hearing** for the Flat Rock Historical Society and Ron Drager, the owner of parcel # 5801-001-025-00, commonly known as Flat Rock Speedway, 14041 Telegraph Rd, Flat Rock, MI 48134, who is requesting two (2), one (1) day temporary use permits for a flea market. The events are to take place on May 6, 2013, and October 6, 2013. The request is made under the Ash Township Zoning Ordinance 7C, Article 24, Section 24.07 (4).

Motion #107 Open the Public Hearing.

Motion by Mossburg supported by Stumpmier to open the Public Hearing for Parcel #5801-001-025-00 Voice vote taken. Motion carried.

Manager Vaslo informed the Board that this is the annual application submitted by the Flat Rock Historical Society for their fundraising flea market. The event is to be held on two separate days, May 5 and October 6, 2013. A site plan was included with the application. A notice of the public hearing was published in the local newspaper and properties within 300 ft were mailed hearing notices.

Ms. Lila Fedokovitz spoke on behalf of the society and registered her complaint that an adjoining property owner has held a flea market on the same days without seeking approval for such an event from the Township. The Chair informed her that it is an issues better directed to the Township Board.

Board members as well as audience members spoke in favor of the events and the important work that organizations like the Flat Rock Historical Society perform. Manager Vaslo stated that no complaints have been filed with the Township in many years with regards to the markets. There were no concerns or objections to the temporary use voiced and no written objection were received by the township.

Motion #108 Close the Public Hearing.

Motion by Booth supported by Mossburg to close the Public Hearing for Parcel #5801-001-025-00. Voice vote taken. Motion carried.

Motion #109 Open the Finding of Facts.

Motion by Stumpmier supported by Mossburg to open the finding of facts for the temporary use request. Voice vote taken. Motion carried.

- Fact-Stumpmier- The Historical Society has held the same event for many years without incident. Supported by Booth.
- Fact-Mossburg- The event is well run and is an asset to the local communities. It's a great flea market. Supported by Hunter.

Motion #110 Close the Finding of Facts.

Motion by Mossburg supported by Booth to close the finding of facts. Voice vote taken. Motion carried.

Motion #111 Approve Requested Variance.

Motion by Mossburg supported by Booth to approve the temporary use request for parcel# 5801-001-025-00 and the Flat Rock Historical Society for two, one day flea markets on May 5 and October 6, 2013. Roll Call: 4-Yes, 0-No. Motion carried.

2. A **Public Hearing** for the Clarence Sell Estate and Connie Haugan, Trustee, and parcel # 5801-011-006-00, commonly known as 2377 Carleton Rockwood Rd, Carleton, MI 48117, who is requesting a variance to the Ash Township Zoning Ordinance 7C, Article 21, Section 21.05 (1) Number of Accessory Buildings Permitted. A variance for twelve (12) existing accessory buildings is requested beyond the two (2) allowed.

Motion #112 Open the Public Hearing.

Motion by Booth supported by Hunter to open the Public Hearing for Parcel #5801-011-006-00. Voice vote taken. Motion carried.

Manager Vaslo informed the Board that in an effort to settle the Estate of the late Clarence Sell the family has proposed a division of the original 120 ac homestead. As depicted in the survey attached with the application, five new parcels will be created. All meet the size, setbacks and frontage requirements for division. However the newly created parcel #5 has 14 accessory buildings which is 12 more than allowed by ordinance. A notice of the public hearing was published in the local newspaper and properties within 300 ft were mailed hearing notices.

The Trustee for the Estate, Connie Haugan, has requested a variance to the number of permitted accessory building allowed by ordinance and that the land division for the 120 ac be approved and shown in the surveys and legal descriptions provided.

Several Family members were present at the hearing and Ms. Haugan and David Sell (son) spoke. David included a written statement with the requests stating in part that it was the wishes of their parents, Clarence and Lois Sell, that each child should have some land at their passing. It was also stated that the property is not being sold and that the family plans to continue to farm the property as their parents did before.

There were questions from the Board as well as audience members for the applicants and after a brief discussion all concerns and questions were addressed. Several audience members spoke in favor of the variance. Manager Vaslo stated that no concerns or objections to the variance, either voiced or written were received by the township.

Motion #113 Close the Public Hearing.

Motion by Booth supported by Mossburg to close the Public Hearing for Parcel #5801-011-006-00. Voice vote taken. Motion carried.

Motion #114 Open the Finding of Facts.

Motion by Mossburg supported by Stumpmier to open the finding of facts for a variance to the number of accessory building allowed. Voice vote taken. Motion carried.

- Fact-Mossburg- The buildings on the property are well maintained and are existing. Supported by Booth.
- Fact-Stumpmier- David Sell will maintain 50% ownership of parcel #5 with his sister and the property will continue to be farmed. Supported by Hunter.
- Fact-Booth- Additional buildings could not legally be added to parcel #5. Supported by Mossburg.
- Fact-Mossburg- There were no objections from the neighbors. Supported by Booth.
- Fact-Booth- the land division as proposed could not be approved without a variance or the removal of the 12 accessory buildings. Supported by Stumpmier.

Motion #115 Close the Finding of Facts.

Motion by Mossburg supported by Booth to close the finding of facts. Voice vote taken. Motion carried.

Motion #116 Approve the Requested Variance.

Motion by Booth supported by Stumpmier to approve the requested variance for Parcel # 5801-011-006-00 allowing for a land division with 14 accessory buildings on the proposed parcel #5 as depicted in the survey submitted with the land division application and that the land remains Agricultural. Roll Call: 4-Yes, 0-No. Motion carried.

3. Election of Officers for 2013.

Motion #117 Election of Officers.

Motion by Mossburg supported by Booth that Sid Stumpmier remains Chairman and Ace DeVillez remains Vice Chairman for the 2013 calendar year. Voice vote taken. Motion carried.

4. Set Meeting Dates and Time for 2013.

Motion #118 Meeting Dates and Time.

Motion by Mossburg supported by Stumpmier that the following dates and time be established for ZBA meetings in 2013: 1/2/13, 2/5/13, 3/5/13, 4/2/13, 5/7/13, 6/4/13, 7/2/13, 8/6/13, 9/2/13, 10/1/13, 11/5/13 and 12/3/13. All meeting will be at 7:30 p.m. Voice vote taken. Motion carried.

Motion #119 Adjournment.

Motion by Mossburg supported by booth to adjourn at 7:55 p.m.
Voice Vote taken. Motion approved.

Respectfully Submitted,
Jim Vaslo
Township Manager