

**Ash Township
Zoning Board of Appeals
Meeting Minutes
May 16, 2016**

Held on: Meeting was called to order by Chairman Sid Stumpmier on Monday, May 16, 2016, at 7:04 p.m. in the Ash Township Hall, 1677 Ready Road, Carleton, Michigan.

Members Present: Sid Stumpmier, Darrell Mossburg, Ace DeVillez and Jerry Hunter.

Members Absent: Ron Keilman and Jim Booth.

Others Present: Jim Vaslo – Township Manager and 15 citizens.

Chairman Stumpmier asked if everyone received a copy of the May 4, 2016, meeting minutes and if there were any additions or corrections.

Motion #340 Motion to Approve Minutes.

Motion by DeVillez supported by Mossburg to approve the Zoning Board of Appeals meeting minutes of May 4, 2016, as presented. Voice vote taken. Motion carried.

Motion #341 Agenda Approval.

Motion by DeVillez supported by Mossburg to approve the agenda as presented. Voice vote taken. Motion carried.

Old Business:

None

New Business:

1. A **Public Hearing** for Cobblestone Real Estate LLC and applicant Clancy Tam representing the owners of parcel #5801-085-019-00, commonly known as 9878 Lonesome Oak Drive, Carleton, MI 48117, who is requesting a variance from Article 15, Section 15.03.6 and 15.03.7, requiring a 50 ft front yard setback and a 15 ft side yard setback.

Motion #342 Open the Public Hearing.

Motion by Mossburg supported by DeVillez to open the Public Hearing for Parcel # 5801-085-019-00 and the requested variance. Voice vote taken. Motion carried.

Manage Vaslo explained that the Township erred in issuing the building permit as the setbacks were incorrect at the time the application for the building permit was received. It was also noted

that the Architectural Review Committee and the Home Owners Association for Lazy Oak also approved the location of the home prior to the building permit being issued. Discussion took place. The applicant was present along with representatives of Cobblestone Real Estates LLC and they answered questions. The audience took part in the discussion. In general the audience expressed their displeasure with the location of the home and did not think the variance should be granted. There was one written response received by the Township prior to the meeting giving no objection to the requested variance. It was noted that the Township received only the one written comment and no verbal comments, for or against, the proposed variance.

Motion #343 Close the Public Hearing.

Motion by DeVillez supported by Mossburg to close the Public Hearing for Parcel # 5801-085-019-00 and the requested variance. Voice vote taken. Motion carried.

Motion #344 Open the Finding of Facts.

Motion by Stumpmier supported by DeVillez to open the finding of facts on the requested variance for Parcel # 5801-085-019-00. Voice vote taken. Motion carried.

- Fact-Stumpmier- The Lazy Oak Home Owners Association erred when reviewing and approving the location of the home. Supported by Mossburg.
- Fact-DeVillez- The Township erred when reviewing and approving the location of the home. Supported by Hunter.
- Fact-Stumpmier- Construction of the home is well underway. Supported by DeVillez.
- Fact-DeVillez- The Township Attorney advised against a stop-work-order. Supported by Hunter.
- Mossburg-The board heard more negative comments at the meeting than positive ones for granting the requested variance. Failed, lack of support.
- DeVillez- There is a clear practical difficulty and hardship if the home would be required to be moved now. Supported by Stumpmier.

Motion #345 Close the Finding of Facts.

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

Motion #346 To Grant Requested Variance.

Motion by DeVillez supported by Stumpmier to grant the setback variances for Cobblestone Real Estates LLC and Clancy Tam for Parcel #5801-085-19-00, commonly known as 9878 Lonesome Oak Drive, letting the home remain at its current location. Roll Call: 4-Yes, 0-No. Motion carried.

2. A **Public Hearing** for Alan Maddux and Kristen Fleisher the owners of Parcel # 5801-034-013-30, commonly known as 9810 Lazy Oak Drive, Carleton, MI 48117, who is requesting a variance from Article 21, Section 21.05, requiring that no detached

accessory building in any district shall exceed one story or fourteen feet in height.

Motion #347 Open the Public Hearing.

Motion by Mossburg supported by Stumpmier to open the Public Hearing for Parcel # 5801-034-013-30 and the requested variance. Voice vote taken. Motion carried.

A brief discussion took place. The applicant was present and answered questions. Most in the attendance voiced no real objections to the requested variance. It was noted that the Township received one written response objecting to the proposed variance prior to the meeting. No other comments written or verbal, for or against, the proposed variance were received.

Motion #348 Close the Public Hearing.

Motion by Hunter supported by Mossburg to close the Public Hearing for Parcel # 5801-034-013-30 and the requested variance. Voice vote taken. Motion carried.

Motion #349 Open the Finding of Facts.

Motion by Mossburg supported by DeVillez to open the finding of facts on the requested variance for Parcel # 5801-034-013-30. Voice vote taken. Motion carried.

- Fact-DeVillez- The Board received one objection to the variance by e-mail and most present at the meeting had no objections to the variance. Supported by Mossburg.
- Fact-Stumpmier- There is a tree lined fence row and a county drain to the west and south of the property which allows for views of the open areas. Supported by DeVillez.
- Fact-DeVillez- The proposed roof lines for the accessory building will match the primary structure. Supported by Hunter.
- Fact-Hunter- The Lazy Oak Home Owners Association has approved the site plan. Supported by Mossburg.

Motion #350 Close the Finding of Facts.

Motion by DeVillez supported by Stumpmier to close the finding of facts. Voice vote taken. Motion carried.

Motion #351 To Grant Requested Variance.

Motion by Mossburg supported by Hunter to grant the variance for the accessory building height allowing for the building to be constructed at the proposed height for Parcel #5801-034-013-30, commonly known as 9810 Lazy Oak Drive.

Roll Call: 4-Yes, 0-No. Motion carried.

Motion #352 Adjournment.

Motion by Mossburg supported by Hunter to adjourn at 8:02 p.m.

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Voice vote taken. Motion approved.

Respectfully Submitted,
Jim Vaslo
Township Manager