

Niles Charter Township Zoning Board of Appeals
January 24, 2017
Regular Meeting

Chairman Vandyke called the meeting to order at 7:00 p.m. at the Township Hall, 320 Bell Road, Niles, Michigan.

Pledge of Allegiance: The Pledge was recited.

Roll Call:

- Present: Smothermon, Ellis, Hoffman, and Vandyke
- Absent: Durm-Hiatt Others
- Present: ZA Hartman, and RS Ernsberger

Approval of Agenda: Hoffman motioned to approve the January 24, 2017 Niles Charter Township Zoning Board of Appeals meeting Agenda, Ellis seconded the motion.

All voting in favor.

MOTION

CARRIED.

Approval of Minutes: Ellis motioned to approve the Niles Charter Township Zoning Board of Appeals October 18, 2016 meeting minutes as submitted, Smothermon seconded the motion.

All voting in favor.

MOTION

CARRIED.

Election of Officers: Ellis motioned to nominate VanDyke as the Chairperson, Hoffman seconded the motion.

All voting in favor.

MOTION CARRIED.

Ellis motioned to nominate Smothermon as the Vice Chairperson, Hoffman seconded the motion.

All voting in favor.

MOTION CARRIED.

New Business: Chairman Vandyke opened the floor to Dan Yerks of Wightman and Associates to explain the application for a variance request from Niles Senior Center at 1109 Bell Road for Parcel 11-14-0780-0027-00-6. Mr. Yerks explained the shape and size of the parcel is too small for a parking lot with the setbacks the ordinance requires. The County Drain Commissioner requires a larger than anticipated storm water retention area that must be connected to the sewer. Placement of such retention has decreased the area even more. A setback variance has become necessary.

Chairman Van Dyke requested any correspondence be presented at this time. ZA Hartman reported no correspondence received. Hartman reviewed her January 10, 2017 staff report with the commission; specifically stating that the purchase of the property did create the issue, the issue existed due to the size and shape of this particular parcel. She added the members should also consider the drain commissioner's requirements along with whether or not the parcel is usable. The Commission Members clarified with the applicant's representative, Mr. Yerks, the specific setback request and drain commission requirements. Mr. Smothermon clarified there were not many use for this parcel due to the size and shape. He added this is the best use for this particular

parcel. Mr. Hoffman clarified his stance on the need for the variance; stating the purchase of the property did create the issue for the applicant, although he believes this would be the best use of the parcel as well. Chairman Van Dyke stated the Senior Center is in need of more parking spaces, adding that the shortage creates safety issues.

Chairman Van Dyke opened the floor to the public for comments at 7:19 pm. No comments were made. The Public Hearing was closed at 7:20 pm.

Hoffman motioned to approve the variance application from the Niles Senior Center at 1109 Bell Road, Parcel # 11-14-0780-0027-00-6, for a 10 foot setback on the north side of the property and a 5 foot setback on the east side of the property based on the information provided in ZA Hartman's Staff Report dated January 10, 2017, Smothermon seconded the motion.

All voting in favor.

MOTION

CARRIED.

Ellis motioned to schedule the second 2017 meeting for July 18, 2017, Smothermon seconded the motion.

All voting in favor.

MOTION CARRIED.

Other Business: ZA Hartman informed the ZBA members that the Planning Commission is currently updating the Master Plan and will be planning a Public Hearing in March 2017. The Planning Commission will also be amending parts of the Zoning Ordinance.

Mr. Ellis requested an update on a house being built encroaching setbacks on Creek Road. ZA Hartman reported that she and Dave Swanstrom have been working with the property owner/builder and that the house will be removed from setback. There is a stop work order at this time and no current work is being performed.

Adjournment: Hoffman motioned to adjourn the meeting at 7:31 p.m., motion supported by Ellis.

All voting in favor.

MOTION CARRIED.

Respectfully submitted,

Teri Ernsberger, Recording Secretary

Approved at March 15, 2017 meeting



Peg Hartman, Zoning Administrator