

Niles Charter Township Zoning Board of Appeals
August 15, 2017
Special Meeting

Chairman Van Dyke 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: Durm-Hiatt, Ellis, Hoffman, Smothermon, VanDyke
- Absent: None.
- Present: ZA Hartman, and A. Cole

Approval of Agenda: Ellis motioned to approve the August 15, 2017 Niles Charter Township Zoning Board of Appeals meeting Agenda, Hoffman seconded the motion.

All voting in favor.

MOTION CARRIED.

Approval of Minutes: Durm-Hiatt motioned to approve the Niles Charter Township Zoning Board of Appeals March 15, 2017 meeting minutes with the correction on page 2 to read Zoning Board of Appeals rather than Planning Commission. Smothermon seconded the motion.

All voting in favor.

MOTION CARRIED.

New Business:

Variance-2278 S. 14th Street: Chairman Van Dyke inquired of Zoning Administrator, Hartman, if any correspondence for or against the variance had been received, of which, there was none. Jason Shackelford of 2278 S. 14th Street addressed the Zoning Board of Appeals his need of the variance is due to a rear property line setback from 10' to 5' to construct a 16 x 20 accessory building. Mr. Shackelford advised the existing storage shed on the property would be removed once the new building was in place.

Dawn O'Brien of 1336 Fairfield, neighbor at the rear property line, advised she has no issues with the construction of the building.

Sandy Taylor of 2282 South 14th Street, a neighbor, advised she has no issue with the construction of the building.

ZA Hartman referred to the report she compiled for board regarding review standards of section 28.08 and to consider approval it must be a need versus a want by the applicant.

Durm-Hiatt clarified the location the building is to be constructed.

Hoffman advised he thinks front setback should be from building foundation not patio. ZA Hartman advised the patio is part of the original structure.

Smothermon advised he would have liked to see the plot plan to see property lines, buildings, etc.

Ellis inquired as to the use of the building, Mr. Shackelford advised for his personal vehicles.

Hoffman verified the existing accessory building will be removed.

VanDyke inquired if 16 x 20 could be changed to comply with setbacks. Mr. Shackelford advised he has a full sized truck and 16 x 20 would accommodate the vehicle.

VanDyke at 7:11 p.m. closed the floor for board deliberation.

Hoffman advised per definition of “building” in the ordinance he respectfully disagrees with ZA Hartman. Hoffman would like clarification of the exact dimension and see a site plan. Hoffman’s opinion variance is not needed.

ZA Hartman would get clarification from the Township Planner of Record.

After further discussion of the board, Hoffman motioned due to opinion of the Zoning Board of Appeals a variance is not needed due to the definition stated in the zoning ordinance and the applicant should receive a refund of fees and should verify dimensional requirements. Durm-Hiatt supported the motion.

ROLL CALL AYES: Durm-Hiatt, Ellis, Hoffman, Smothermon, VanDyke

NAYS:

MOTION CARRIED.

Other Business: ZA Hartman advised the board that the Planning Commission is sending the Master Plan to the Township Board for approval.

ZA Hartman advised that the Planning Commission is working on text amendments to clean up the language not to allow medical marijuana. Also, a portion of 15th Street is at the County Planning Commission for approval of zoning to Office Space. ZA Hartman updated on Creek Road, the owner is to have the house moved this coming week and that his building permit will expire mid September 2017.

Public Comment: None.

Adjournment: Hoffman motioned to adjourn the meeting at 7:53 p.m., motion supported by Durm-Hiatt.

All voting in favor.

MOTION CARRIED.

Respectfully submitted,

Angie Cole, Recording Secretary