

**Sumpter Township
Zoning Board of Appeals Meeting
Thursday, May 31, 2018, 7:00 p.m.
23480 Sumpter Rd., Belleville, MI 48111
Minutes**

Meeting called to order by Chairperson Pedersen at 7:00 pm. Showing present: Pedersen, Stalmack, Bednark, Beaudrie. Excused absence: Oddy. Also showing present: Planner Atkin, Deputy Clerk D. Hadyniak and 5 residents.

4. Motion by Beaudrie, supported by Stalmack to approve the Zoning Board of Appeals Minutes of October 19, 2017. Motion carried.

5. New Business:

A. Consider application (ZBA 2018-01) requesting dimensional variances from Section 5.3(a)(4)A. and Section 5.3(a)(4) of the zoning ordinance. The first request is seeking to construct an accessory structure of greater size than the existing principal structure; the second request is seeking a 200 square foot gross floor area increase for accessory structures on parcels 1.01 acres to 3 acres in size. The site for the variances is located at 11773 Rawsonville Rd., Belleville, MI 48111.

Chairperson Pedersen asked Jesse Giambrone of 11773 Rawsonville Rd. if he could explain to the ZBA what he was looking to do on his property. Mr. Giambrone said he purchased his current home last year, but wasn't able to build a pole barn at that time. When Mr. Giambrone first purchased the house, he stated the ordinance to construct a pole barn on his property was different and has recently changed. The reason for erecting such a large pole barn was so he could store all of his equipment, right now his stuff is sitting outside getting ruined.

Planner Atkin stated the property behind Mr. Giambrone is landed locked and he has been in communication with the owners to try to purchase the piece of property. Mr. Giambrone is able to acquire the land behind him it then makes the variance null. Commissioner Bednark asked Mr. Giambrone what the height is on the side structure and why twenty (20) feet from the home? Commissioner Bednark also stated that Mr. Giambrone put down two (2) different dimensions for the pole and asked which size he was looking to get the variance on? Mr. Giambrone stated he would like to build a pole barn size of forty (40) by eighty (80). Planner Atkin explained to the Commission that the variance is for the size of the pole barn not the location. When Mr. Giambrone goes to put the building permits then it will be reviewed as to the location of the pole barn. Commissioner Beaudrie inquired if the pole barn would be housing any animals? Mr. Giambrone replied no animals. Commissioner Stalmack stated the request to construct a pole barn this size isn't allowed by the zoning ordinance, and for said accessory structure to be larger than the primary structure which is not permitted on parcels less than 3 acres. Chairperson Pedersen asked the gentleman in the back if he had anything to say regarding this matter. He stood up and stated he was an Attorney for the owners (Pendergrast) of the land locked property and had some concerns about the existing property. One of the Attorney's concerns was the property has a pond on it and felt it was encroaching on his clients property. Planner Atkin reviewed the lot size with the Pendergrast's Attorney and showed an aerial view of the property. The map display showed two (2) different ponds and the boundaries of the property. Planner Atkin also stated he reviewed the four (4) splits on the property and he couldn't find any records of when the splits happened. One of the Pendergrast sisters asked since the property is landed locked should we have the property surveyed? If we allow the variance for Mr. Giambrone, will this affect any future sale on the property we own for a builder to build on? Planner Atkin told the Pendergrast sister's this shouldn't affect any future sales on the property. Commissioner Bednark had additional questions

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for Mr. Giambrone in regards to how close would you build the pole barn; would your setback be more like your neighbor? Commissioner Stalmack stated she has a problem with the variance because it was larger than the house and the property already has a garage. Chairperson Pedersen stated in the past the ZBA has granted similar variances. Chairperson Pederson said she will entertain a motion to pass the variance. No response from the commission. Chairperson Pederson read a letter from Planner Atkin stating back in February 23, 2017 a variance was granted at 19731 Haggerty Rd. for a pole barn similar in size to be constructed on a similar size parcel. Planner Atkin mentioned that the adjoining parcel to the north, 11735 Rawsonville Rd., was errantly approved to construct a forty (40) by seventy-two (72) for accessory structure in the designated rear yard. Planner Atkin then stated the second variance didn't come before the Board; it was an oversight by the planner.

Motion by Bednark, seconded by Beaudrie to approve with the following conditions a forty (40) by sixty (60) pole barn, fifty (50) feet from the home, complete with side and rears setbacks as set forth by the ordinance and maximum allow is eighteen (18) feet sidewall. Nay: Stalmack. Motion carried.

6. Open Floor: Pendergrast's wanted to know where they could research how the property got landed locked. Planner Atkin responded with contacting the Register of Deeds office.

7. Adjournment: Motion by Stalmack, supported by Bednark to adjourn at 7:35 pm. Motion carried.

Minutes prepared by,
Dawn Hadyniak
Deputy Clerk, Sumpter Township