

Sumpter Township
Zoning Board of Appeals Meeting
Tuesday, September 18, 2018, 6:00 p.m.
23480 Sumpter Rd., Belleville, MI 48111
Minutes

Meeting called to order by Commissioner Stalmack at 6:05 pm. Showing present: Stalmack, Bednark, Beaudrie and Oddy. Excused absence: Pedersen. Also showing present: Deputy Clerk D. Hadyniak and 15 residents.

4. Motion by Oddy, supported by Beaudrie to approve the Zoning Board of Appeals Minutes of July 19, 2018. Motion carried.

5. Public Hearing:

Motion by Oddy, supported by Bednark to open the Public Hearing. Public hearing opened at 6:08 pm. Motion carried.

A. Applicant is requesting a dimensional variance from Section 5.3(a)(5) of the zoning ordinance. The applicant is seeking a five (5) foot side yard setback for the siting of an accessory structure. The minimum side yard setback requirement for accessory structures 801 sq/ft to 1,200 sq/ft in area is ten (10) feet. The site for the requested variances is located at 18761 Savage Road, Belleville, MI 48111.

Gary Krajewski of 18761 Savage Rd. handed out additional material and a letter to the Commission to be reviewed. Mr. Krajewski stated he is requesting the variance because he would like to build a garage. Mr. Krajewski explained to the members there is a six (6) foot fence between him and his neighbor. Without this accessory structure being built, Mr. Krajewski feels it will create a potential for blight on his yard. This way he will have storage for those items and will create an orderly looking yard. Mr. Krajewski went on to explain there are similar structures within the neighborhood and that don't meet the minimum setback. By Mr. Krajewski building this accessory structure it would help increase his property value. Deputy Clerk Hadyniak read the first letter received by Dale & Constance Folks located at 18717 Savage Rd., requesting the dimensional variance be granted. Acting Chair Stalmack asked the audience if any other neighbors have comments or questions, one neighbor stated he lives across the street, four doors down, he had no issues. The second letter received was from Thomas & Sharon Howie at 18750 Savage Rd., which stated they have no objections. Commissioner Bednark stated based on his review and the site plan review he didn't have any objections, he also noted, that there was a nice tall fence separating him and the neighbor. Commissioner Bednark stated the structure would be compliant to all other ordinances and by granting the variance it would create the orderly look Mr. Krajewski stated. Motion by Bednark to approve as requested, but Commissioner Oddy reminded Chairperson Stalmack the hearing was still open. Commissioner Oddy asked Mr. Krajewski if he already had a concrete driveway to the proposed accessory building. Mr. Krajewski replied the driveway was poured over fifteen (15) years ago. Commissioner Beaudrie asked Mr. Krajewski if he concerned putting an apron on his driveway and moving the building over the extra five (5) feet to comply with the ordinance. Mr. Krajewski expressed this option was suggested to him but he felt it would be too hard to back into the building and wouldn't look orderly. Chairperson Stalmack stated that the new ordinance was designed for the fire truck to get back and behind the building. Mr. Krajewski replied that was something that was concerned and it's well behind his house and accessible from the neighbor's side too. Commissioner Beaudrie asked if the applicant planned on utilizing the building for any animals. Mr. Krajewski responded that he had no plans for any animals; it was going to be used for his equipment that is currently outside and to move some items from his front garage for space. Chairperson Stalmack asked if there were any additional questions

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or comments. Mr. Krajewski again stated his hopes to be approved; he has lived in the community for over fifty (50) years and would like to keep the space in the backyard for his grandkids to play. Mr. Krajewski then went on to state his has pictures of other accessory building in the area that aren't compliant. Chairperson Stalmack explained the Commission is aware of those buildings within the township, but the Commission is trying to prevent that from happening in the future. Mr. Krajewski emphasized he was one of two parcels that didn't have an out building on his property between Clark and Harris Rd.

Motion by Beaudrie, supported by Oddy to close the Public Hearing. Public Hearing closed at 6:19 pm. Motion carried.

Motion by Bednark, supported by Oddy to approve the five (5) foot side setback requested by the petitioner. Motion carried.

B. Applicant is requesting a dimensional variance from Section 5.3(a)(4)A. of the zoning ordinance. The request is to construct a 1,750 sq/ft accessory structure, 450 sq/ft greater than the existing principal structure. The site for the requested variance is located at 11811 Rawsonville Road, Belleville, MI 48111.

Motion by Oddy, supported by Bednark to open the Public Hearing. Public Hearing opened at 6:21 pm. Motion carried.

Michelle Schulz of 11811 Rawsonville Rd. stated they are requesting a dimensional variance to build a 1,750 square foot accessory building. Ms. Schulz explained if you added the house with the existing garage square footage, it would meet or be slightly under the ordinance requirements. Ms. Schulz stated the structure would be thirty-five (35) by fifty (50) feet; other than the dimension of the structure the building meets current zoning ordinance. Ms. Schulz then stated her neighbors have or was granted variances for similar structures within the area. Commissioner Beaudrie asked if the ten (10) foot lean to was included in the structure. Ms. Schulz stated it wasn't. Commissioner Beaudrie then went on to asked if the petitioners have any further plans on closing in that structure. Which Ms. Schulz explained they didn't; currently they do not have any trees for shade, so the structure would be utilized for a gathering spot. Commissioner Beaudrie then wanted to know if the lean to would be used for housing animals, which Ms. Schulz replied no. Commissioner Bednark wanted to know if the petitioner would be pouring a concrete floor; petitioner responded no. Commissioner Bednark stated it looks to have a metal roof and to be a Chelsea Lumber kit. Ms. Schulz stated it was and they are contracted to do the labor too. Chairperson Stalmack asked if any audience members have any questions or comments. Commissioner Oddy asked if the eve on the one side was included in the square footage. Ms. Schulz replied she wasn't sure but did know the lean was not included. Commissioner Bednark said from the site plan he is seeing the fifty (50) foot setback from the driveway which he stated it should be from the home. Ms. Schulz explained they expanded the gravel driveway, so now the fifty (50) feet will be from the closes point of the house to the garage. Commissioner Bednark stated the property is zoned Agriculture (AG), not residential, and historical most out buildings were bigger or the same size as the home. Commissioner Bednark stated they just recently granted a variance similar in the area. Commissioner Bednark stated he feels this is plausible and asked if they are one of the properties that have a pond. Ms. Schulz said no pond.

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Motion by Oddy, supported by Bednark to close the Public Hearing. Public Hearing closed at 6:27 pm. Motion carried.

Commissioner Bednark re-iterated the property is zoned Agriculture (AG) and the property size is 6.62 acres. As long as the accessory building is fifty (50) feet from the closest point of the house and all of the setbacks are good. He doesn't seem to find a problem approving this variance.

Motion by Bednark, supported by Oddy to approve it as proposed by the petitioner. Motion carried.

C. Applicant is requesting the zoning board of appeals to hear and decide on an appeal of a decision or determination made by the building department in the enforcement of the zoning ordinance regarding the denial of a home business license. The site for the proposed home business is located at 19240 Sumpter Road, Belleville, MI 48111.

Motion by Oddy, supported by Beaudrie to open the Public Hearing. Public Hearing opened at 6:30 pm. Motion carried.

Mr. LaPorte of 19240 Sumpter Rd. is requesting a business license for his wife's business of *Tables n' Chairs* in the Central Business District (CBD). Mr. LaPorte stated he wasn't aware of being zoned in the Central Business District, but thought it would be a no brainer and a quick approval for his business. Mr. LaPorte stated he has lived in the area for over fifty (50) years and seen businesses come and go right next door to him. When he was denied by the building department he couldn't quite understand the reason being zoning in the Central Business District. Mr. and Mrs. LaPorte stated they already have a home daycare business which has existed for the past twenty-seven (27) years. Mr. LaPorte stated this would be a second business, which they plan on doing when they retire. Mrs. LaPorte stated generally they do not have customers coming and going from their house, they would be taking the tables and chairs to the place.

Chairperson Pederson arrived at the Public Hearing at 6:31 pm and apologized to the room for being late. Acting Chair Stalmack turned over the Chair to Pederson.

Mr. LaPorte then went on to explain it would be truly a home business, not a retail store. No customers would be coming to his house; the tables and chairs are stored in a trailer or inside a barn from the view of the public. Deputy Clerk Hadyniak read the letter received by residents at 19246 Sumpter Rd. stating they aren't in favor and would like to see the business license rejected. Mrs. LaPorte explained to the Commission that they don't use the private drive, sometimes when people come to pick up kids from daycare they will park in the private drive. Commissioner Beaudrie asked if they knew what their previous zoning was before Central Business District. Mr. LaPorte replied he did not. Commissioner Beaudrie explained she researched the location to see what the previous zoning was and seen it's changed multiple times since 1977. Commissioner Beaudrie wanted to know if the tables and chairs will be stored in a building that you already have existing on the property, Mr. LaPorte replied yes. Commissioner Beaudrie wanted to ask the planner what the land to building ratio was but the planner was running late. Commissioner Beaudrie stated the reason for that question was because if in the future you wanted to expand your business, would you have the room. Mr. LaPorte believes he would. Commissioner Beaudrie wanted to know how they access their back yard, do you use the private drive that butts up to your

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property. Mr. LaPorte stated they are able to access their backyard using their own driveway, in the past they have used the private drive but had a falling out with those neighbors. Since the “bad” feelings with those neighbors, the access from the private drive has been closed off. Chairperson Pederson asked if they had any neighbors in attendance, which Mr. LaPorte stated the neighbors to the north, Terri and Deno. Mr. LaPorte explained the next closes neighbors are within six hundred (600) feet, in the past he has offered help to clean up the property. In the LaPorte’ backyard they have stacks of wood they use during the winter, but has nothing to do with the new business. Commissioner Oddy and Bednark both stated they have visited the site and there is plenty room in the backyard to turn around. Chairperson Pederson asked about the current zoning. Commissioner Bednark asked if he could speak on it. According to Commissioner Bednark, he read through the zoning ordinance five (5)(a) which applies to this situation and said stated Mr. LaPorte new business conforms to all aspects of the ordinance except one (1) which is the home business is not allowed in the Central Business District. Commissioner Bednark stated the LaPorte’ residence has pre-dated all of the zoning changes that was pointed out by Commissioner Beaudrie. Commissioner Bednark felt that the Central Business District might be over zoned and many communities have done is mixed zoning or overlay zoning. Commissioner Stalmack agreed with Commissioner Bednark about the mixed zoning and stated it was talked about in the past in creating that mixing zoning on Sumpter Rd. from Willis to Elwell.

Planner Atkin arrived to the Public Hearing at 6:40 pm.

Motion by Stalmack, supported by Oddy to close the Public Hearing. Public Hearing closed at 6:41 pm. Motion carried.

Commissioner Stalmack gave Planner Atkin a quick breakdown of the discussion during the Public Hearing. Commissioner Beaudrie stated she had discussed that the zoning in this location has changed multiple times since 1977. Planner Atkin made it very clear to the Commission this is not a variance request it’s repeal on a decision that was made by the Building Department. Planner Atkin stated that he has a zoning map from 1977 showing it was zoned Commercial back then. Planner Atkin then went on to explain he had an application from 1974 from a Cecil Johnson for an expansion of property and it’s always been zoned Commercial. Planner Atkin stated the reason for his decision to allow for the daycare business in the Central Business District was due to the fact it was an existing business. Planner Atkin advised the Commission that even in the Central Business District, Residential or Commercial areas there is no storage or rental use allowed unless it was accessory to the primary use. Commissioner Beaudrie pointed out there is mixed uses within that area from a restaurant to a hardware store then to residential homes. Planner Atkin stated for a mixed use what traditional happens is the business is in the front and residential is in the back or the second story. Commissioner Bednark stated it seems over the years Sumpter Township and their planners have made a valiant attempt to try to stimulate business on that strip of road. Commissioner Bednark felts maybe the Central Business District might have been over extended. Commissioner Oddy stated he was part of the Master Plan for the township and sometimes we have unintended consequence from that planning. Commissioner Beaudrie asked what would happen is the petitioners were to sell their home. Planner Atkin stated then the business license would dissolve. Commissioner Oddy stated he would be abstaining from the vote. Commissioner Beaudrie wanted to know if you could approve the petitioners permit with conditions. Planner Atkin stated you couldn’t because it was an appeal on a decision, not a variance.

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Motion by Bednark, supported by Beaudrie to approve the petitioners permit for the business license. Motion carried.

6. Open Floor: Planner Atkin address Mr. & Mrs. LaPorte that the business sign in the front yard is illegal and will need to pull a building permit. The ordinance allows a sign but it must be attached to the house and six (6) square feet.

7. Adjournment: Motion by Oddy, supported by Bednark to adjourn at 6:51 pm. Motion carried.

Minutes prepared by,
Dawn Hadyaniak
Deputy Clerk, Sumpter Township