

BRIDGEWATER TOWNSHIP

Minutes from Zoning Board of Appeals

March 20, 2008

DRAFT MINUTES

Present: 18

1. The meeting was called to order by the Chair Theodore Sippel at 7:05 pm.
2. The roll was called and all members were present, Theodore Sippel, Henry Jordan Cynthia Carver and Douglas Parr as alternate.
3. **MOTION:** Moved by Jordan, seconded by Sippel to accept the agenda after adding Zoning Administrator after 10 e.
4. **MOTION:** Moved by Jordan, seconded by Sippel to approve the minutes of February 20, and 25th 2008. Passed
5. Public Comment: items not on the agenda.
6. **MOTION:** Moved by Jordan, seconded by Sippel to close the meeting and re-open the Public Hearing on the Variance request of Karen Reynolds.

ZBA 07-01, Parcel ID# 17-03-200-003, 11211 Bemis Road. Manchester, MI 48158.

Applicant is requesting a variance to allow the construction of a garage 5' from the eastern side property line.

This meeting was posted in compliance with the Open Meetings Act on September 28, 2007. It was published in the Manchester Enterprise on September 20, 2007. Notice was sent to owners of record within 300' of the property on September 12, 2007 in compliance with the Zoning Enabling Act PA 110 of 2006

The seconded meeting was posted at the Township Hall February 5, 2008 and since this was a reconvening of the original meeting notice was sent to all property owners on February 5, 2008 who attended or expressed interest in the first meeting.

The February 25th meeting at the site was also posted at the Township Hall on February 22, 2008, along with notice given to anyone attending the first 2 meetings.

And this meeting was posted in compliance of the Open Meetings Act on March 1, 2008 at the Township Hall, along with notification to anyone attending the first 3 meetings.

Applicant submitted a revised drawing outlining the possibility of a smaller garage, 20'x24' that is 10' from the property line located where the current greenhouse is.

There still may be some dispute where the property line is.

7. **MOTION:** Moved by Carver, seconded by Sippel to close the public hearing and reopen the ZBA Meeting.
8. Chair discussed the possible actions the ZBA could take.
MOTION: Moved by Sippel, seconded by Jordan to approve a variance 10' from the property line for a 20'x24' garage as described in the drawing dated 3-20-08, with the condition that the greenhouse be removed. Jordon Y, Sippel Y and Carver N. Passed
Sipple informed the applicant that the Building Inspector may require the shed also be removed.
9. Second hearing on the Enzer request. Carver left the Board because she was in the notification district and Alternate Parr continued. Jordon took over the minutes.

10. **MOTION**: Moved By Sippel, seconded by Jordon to close the regular meeting and open the public hearing on the Enzer appeal. Passed
The applicant or his representative was not present.

- a. ZBA # 08-01
- b. Property: parcel ID# Q-17-08-100-024. 13001 Austin Rd. Manchester, MI
- c. Application from Aaron Enzer contesting a ruling by Carl Macomber, Bridgewater Township Zoning Administrator, concerning explosive magazines on his parcel. The ZBA's interpretation of the Bridgewater Township Zoning Ordinance Section 1203 (Accessory Buildings and Structures) in this regard is requested.
- d. This meeting was posted in compliance with the Open Meetings Act on March 1, 2008 at the Township Hall. It was published in the Manchester Enterprise on February 28, 2008 and again on March 13, 2008. Notice was sent to owners of record within 300' of the property on February 21, 2008 in compliance with the Zoning Enabling Act Public Act 110 of 2006
- e. Letter dated March 18, 2008 from Carl Macomber was submitted.
- f. Public Comments- Chair advised comments to be on the issues of this specific application and not on fireworks in general.

A resident states that these magazines fit the definition of a structure according to the Michigan Building code.

A resident states the R105.2 of the Residential building code requires that building over 200' needs a footing or foundation.

A resident commented on the constant number of cars entering and leaving the site daily even numerous semi trucks are there. He can't possibly have shut down the commercial operation.

A resident presented papers that he downloaded from the ACE website showing what he says are constant selling operations going on.

A resident states that the only question now is if Macomber's interpretation of the Zoning Ordinance is correct.

- g. Review of status (Chair). The Zoning Administrator has deemed the magazines to be "structures" accessory to the principal residence. According to Section 1203 of the Bridgewater Township Zoning Ordinance, accessory buildings and structures are not to exceed two in number on this type of parcel. The Zoning Administrator's exact words in the denial of the applicant's zoning compliance application were:
". . . the four (4) magazines you are requesting exceeds the number of buildings/structures that the ordinance allows on your lot." The applicant contends that, because the magazines are mobile, they cannot be considered either buildings or structures and therefore are not subject to any limitation in number.

MOTION: Moved by Jordon, seconded by Parr to close the Public Hearing and reopen the ZBA meeting. Passed

11. ZBA members discussed the conflicting interpretation of the Zoning Ordinance between the ZA and the applicant. Board discussed various definitions of a structure. Board discussed the ZO definition of a structure.

MOTION: Moved by Parr, seconded by Sippel to uphold the Zoning Administrators interpretation of the Zoning Ordinance.

Roll call vote Jordan Y, Parr Y and Sippel Y. Passed

MOTION: Moved by Parr, seconded by Sippel to adjourn at 8:30 pm.

Respectfully submitted,

Cynthia J. Carver

Secretary of the ZBA

Bridgewater Township Clerk

Henry Jordan

Temporary Secretary