

Bridgewater Township
ZONING BOARD OF APPEALS

May 19, 2009 – 7:00 PM

The meeting was called to order at 7:00 pm by Theodore Sippel. All Board Members were present Theodore Sippel, David Horney and Cynthia Carver.

Agenda was reviewed and corrected to include Zoning Administrator's report.

MOTION: Moved by Carver seconded by Horney to approve the amended agenda. Passed unanimously.

MOTION: Moved by Sippel seconded by Carver to approve the minutes of the February 26, 2009 meeting. Passed unanimously.

MOTION: Moved by Sippel seconded by Horney to close the meeting and open the public hearing. Passed unanimously.

A. ZBA 09-03, Washtenaw County Parks & Recreation represented by Richard Kent.

B. Property Q17-17-200-007

C. Notification

This meeting was posted in compliance with the Open Meetings Act on May 9, 2009. It was published in the Manchester Enterprise on April 30, 2009. Notice was sent to owners of record within 300' of the property on April 30, 2009 in compliance with the Zoning Enabling Act PA 110 of 2006.

Sippel stated we are not the Planning Commission and we are only dealing with the 4 issues before the ZBA and not the nature of having a Preserve or not.

D. Chair reviewed the current application. The property, a flagpole lot, was purchased by the WCPARC to construct a complex permitting public parking off Clinton Road and then walking access through a native wetlands to a river meadow as well as a deck with a view of a bend in the River Raisin. The parking lot, two boardwalks, and a viewing deck have been constructed.

The WCPARC is requesting after the fact the following three variances; the fourth listed in the agenda was later withdrawn. Each variance will be addressed separately.

1. Location of the deck 30' from the north boundary instead of the 75' specified for the front setbacks of a flagpole lot. Note that an uncovered deck on a conforming structure can extend 10' into a required setback (Section 1605) and therefore be no less than 65' from the property line in this instance.

Richard Kent presented the drawing representing where the deck is located. He states that he did not reference the Zoning Ordinance when they decided to build the deck. He states it is his mistake. They originally wanted a deck to view the wetlands, but thought the view would be better of the river.

Zoning Administrator Macomber states he walked the property, he felt it is clearly in violation but he doesn't see any other spot for it.

Public Comment: One neighbor complained that there is no control of the people on the deck. They go off the deck and walk all over everyone *else's* property and cross the bridge and damage the property of the private owners.

Sippel asked Mr. Kent if he would post more **PRIVATE PROPERTY** signs? Mr. Kent states he will put more signs up and he will complete the fencing that is missing for the Cousino property.

A letter was received from a resident and read to the public, he would like all variances denied. He believes the County has not lived up to their promises made to the residents and the Township Board. This is a Preserve not a Park.. You don't fill in wetlands when you say you are preserving it.

A resident questioned their timeline, They (County) say they had approval to begin construction. She questions the source of the approval. Who gave approval for what? There were no building permits issued. No approvals have been given from any other regulatory agency. They have only submitted copies of applications and no approvals. Forms for the DEQ were all filed after the fact. Basically, they came in here and did what they wanted and are now asking for variances. Also, the parking Lot extends too long from the center of the road.

A resident believes this is self created.

MOTION: Moved by Sippel, seconded by Horney to close the Public Hearing and open the regular meeting. Passed

Chair reviewed the standards necessary to address the request, Article XVII ZBA, Sec 1702 E. Variances 1a.-e. of the Zoning Ordinance. Board discussed the options for a decision. Chair asked if there was a motion to Grant the Request.

Carver states that she doesn't believe the variance request for item 1. can meet the criteria required for approving the variance. Practical difficulties need to exist under all items. A, specifically, by not granting the variance it does not inhibit the applicant for using the property as designed under Conservation Preservation District in the ZO as a Preserve. Also, item e. states that to grant a variance the need for the variance can not be self created, and she doesn't see where it meets that requirement. The need for the variance is indeed self created.

MOTION: Move Carver, seconded by Horney to deny the variance. Carver Y, Horney N, Sippel N. Denied.

ZBA discussed other possibilities for approval or approval with conditions from within the directions of the Zoning Ordinance.

MOTION: Move Carver, seconded by Horney to deny the variance. Passed unanimously.

MOTION: Moved by Carver, seconded by Sippel to close the meeting and reopen the public hearing on the seconded variance. Passed unanimously.

2. Locations of the parking lot boundaries 14' from the north line and 10' from the south line of the easement instead of the required 25' on each side. Note that in the next request the converse distances are specified, i.e. 10' on the north and 14' on the south.

County believes that the 66' width of the easement is not wide enough for a safe parking lot. Planner S. Elminger states to the ZBA to remember that the Wetlands are protected by the DEQ and should not be enforce by the ZBA. More permits are in progress.

Sippel asked the applicant "what guarantees to we have that the remediation will be completed."

Planner S. Elminger states she has asked the County to give the Planning Commission copies of all documentation for remediation.

A resident asked if there is a standard size for these types of parking lots. County responded that it's usually 4-6 spots. Could there be parallel parking?

Zoning Administrator states the County told him they already had received site plan approval, when they met with him a year ago. This is why he told them (County) they didn't need to go to the PC again.

A resident also questioned the baseline documentation report on their timeline. Why were the wetlands not flagged from this report but instead filled in?

MOTION: Moved by Sippel, seconded by Horney to close the Public Hearing and reopen the regular meeting. Passed

ZBA listed the requirements for approval under the same Article of the ZO Section 1702, 1a-1e. The easement does not seem to be wide enough for a safe parking lot. This request you can answer Yes to a.-e.

MOTION: Moved by Sippel, seconded by Horney to approve the variance with the conditions the wetland remediation be completed and the Township receive the documentation from any governing agency . Passed unanimously

MOTION: Moved by Sippel, seconded by Horney to close the meeting and reopen the Public Hearing. Passed

3. Reduction of the dimensions of the parking lot greenbelts from the 20' to, respectively, 10' on the north and 14th on the south.

County believes that the nature of the 66' is too narrow for the property to allow the requirements with in the Zoning Ordinance.

Sippel asked Mr. Cousino if he had any objections to seeing cars or would he rather have trees & shrubs. Response trees & shrubs.

ZA has no comments

MOTION: Moved by Sippel, seconded by Horney to close the Public Hearing and open the regular meeting. Passed

Board reviewed Article XVII, Section 1702, 1-1-e. Sippel states this greenbelt follows the parking lot lines.

MOTION: Moved by Sippel, seconded by Horney to approve the variance for the greenbelt to be 10' on the north and 14th on the south because this would match the greenbelt along the parking lot.

Carver asked for clarification on the 4th issue, she only published 3 issues. County representative Kent states they have withdrawn the 4 issue.

S. Elminger & Supervisor Mull express concern that under Roberts Rules of Parliamentary Procedure that the Chairman should not make the motions.

Supervisor contacted Township Attorney Lucas who recommended remaking the motions involving the approvals.

MOTION: Moved by Sippel to withdraw both his motion to approve, seconded by Horney, Passed

MOTION: Moved by Carver, seconded by Horney to approve the variance #2 for the parking lot, with the conditions the wetland remediation be completed and the Township Supervisor received the documentation from any governing agency . Passed unanimously

MOTION: Moved by Horney, seconded by Carver to approve the variance #3 for the greenbelt to be 10' on the north and 14th' on the south because this would match the greenbelt along the parking lot.

MOTION: Moved by Carver, seconded by Sippel to adjourn at 8:50pm. Passed unanimously.

Respectfully submitted,

Cynthia J Carver

Secretary of the ZBA

Bridgewater Township Clerk