

MINUTES OF A REGULAR MEETING OF THE YORK TOWNSHIP ZONING BOARD OF APPEALS, HELD ON
NOVEMBER 21, 2017 AT 7:30 P.M.
YORK TOWNSHIP HALL, 11560 STONY CREEK RD., MILAN, MI 48160

Meeting called to order by Chair Valentine, at 7:30 p.m., Chair Valentine recognized Jane Kartje as the new Member/PC Rep, replacing member Thomas Preston.

ROLL CALL of ZBA Members Present: Brian Iott, Jane Kartje, Mike Kempf, James Porter, Jack Valentine (Quorum present). Absent: None. Others Present: Applicants, Benton & Elizabeth Farmer.

PUBLIC COMMENTS: None

APPROVAL OF AGENDA: Moved by Iott, Seconded by Kempf, to adopt the Agenda as presented.
Motion carried 5-0-0.

APPROVAL OF MINUTES: Moved by Iott, and Seconded by Kempf to approve the October 17, 2017 Regular meeting minutes, as presented. Motion carried 5-0-0.

NEW BUSINESS: None

COMMUNICATIONS: Michigan Township News Article dated November 2006, pages 16 – 24.

OLD BUSINESS:

To consider a request which was previously heard and which resulted in no decision by the ZBA due to a 2/2 tie vote by members present. The variance request is therefore being reconsidered with all ZBA members present; to hear a request for a variance to the York Charter Township Zoning Ordinance, Article 30.0 Dimensional Standards, Section 30.101, Table of Dimensional Standards by District, Yard/Setback Standards, Minimum Rear, A-1.

Applicant/Property Owner: Benton & Elizabeth Farmer
Property Address: 12163 Saline Milan Rd., Milan, MI 48160
Parcel ID#: S-19-28-100-018.

Chair Valentine, asked the Farmers to apprise the board of the rationale for their requested variance. The Farmers expressed their desire for a west-facing porch, situated to the east and therefore behind their house. There is a lack of adequate space in their rear yard to site such a porch, given the fifty-foot rear setback required in the A-1 zoning district. The existing shed, to which the proposed porch would be added, is in poor condition and needs a new roof and siding, and were unaware of the A-1 zoning status of their property at the time they purchased it.

Moved by Kartje, Seconded by Kempf, to acknowledge the Farmers' comments. Motion carried 5-0-0.

Chair Valentine pointed out that the Farmers' shed is a non-conforming structure and is therefore subject to the considerations of Sections 55.06- Repairs and Maintenance (of non-conforming structures) as well as Sections 55.01- Intent, and 55.04- Non-conforming structures. Kartje spoke about creating de-facto "spot" zoning in the township, as granting this variance in its entirety would in effect turn an agriculturally zoned lot into a residential lot. Discussion focused on subsection D4 of Section 56.11- Standards of Determination and Section 56.07- Expansion and Substitution of Non-Conformities, as well as those sections mentioned above.

Moved by Iott, Seconded by Valentine, to approve the variance as requested, Discussion: of the apparent bias of the York Township Ordinance sections listed above to discourage the enlargement of non-conforming structures. Roll Call Vote: Aye: Iott. Nay: Porter, Kempf, Valentine, Kartje. Absent: None. Motion defeated 1-4-0.

Moved by Kempf, Seconded by Valentine, Based on Article 56.11, Section D of the York Township Zoning Ordinance that the ZBA deny the variance request to enlarge the footprint of the existing building, But to allow repairs to the existing siding and roofing: Discussion: lott pointed out that permission to effect repairs seemed meaningless in this case since Section 55.06 of the York Township Zoning Ordinance already confers this privilege. Porter remarked on Section 55.06 requirement that the cost of repairs total no more than twenty-five (25%) percent of the non-conforming structure's value. lott remarked on the practical impossibility of estimating the worth of a dilapidated ten by twenty foot shed.

Roll Call Vote: Aye: lott, Kempf, Kartje. Nay: Porter, Valentine. Absent: None. Motion carried 3-2-0.

Moved by Porter, Seconded by lott, that the twenty-five (25%) percent requirement of Section 55.06 of the York Township Zoning Ordinance be waived in this case.

Roll Call Vote: Aye: lott, Kempf, Valentine, Porter, Kartje. Nay: None. Absent: None. Motion carried 5-0-0.

(Note, Member lott's departure at 8:55 pm).

ADJOURNMENT:

Moved by Kempf, seconded by Kartje, to adjourn the November 21, 2017, ZBA Meeting at 9:17p.m.

Motion carried 4-0-1.

Respectfully submitted,

James Porter, Secretary