

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
August 15th, 2024

The meeting was called to order by Chairman Horen at 6:30 p.m.

Members present: J. Horen, G. Brandt, A. Lyday, J. Krueger,
Members absent: C. Schweitzer, D. Zube (alternate)
Also present: R. Sheppard-Attorney, M. Bourcier, K. Keelin

The Pledge of Allegiance of the United States of America was recited by those present.

**Motion by Krueger, seconded by Brandt to adopt the agenda as presented.
Motion unanimously carried.**

**Motion by Krueger, seconded by Horen to approve the minutes of May 16, 2024,
meeting.
Motion unanimously carried.**

Public Input

Public input was opened and closed at 6:32 p.m. with no one wishing to speak.

Items for Consideration

09-100-021-300-210-01

Michael Bourcier

4821 Fraser Rd

Side Yard Variance Section 3.27(a)

Horen read the notice addressed to neighbors of 4821 Fraser Road.

Krueger stated that Mr. Bourcier is requesting 1 ½ feet from the rear lot line and 4 foot 4 inches from the garage.

Sheppard stated that in section 3.27A it states “the detached accessory building shall be located in the rear yard. In no event shall a detached accessory building be constructed in a required front or required side yard except in properties where the lot is adjacent to a river.” So, in order to be in the rear yard, he must be completely behind his house.

Horen stated Mr. Bourcier only has 42 feet behind his house.

Sheppard explains that the reason Mr. Bourcier is here is because there is not enough room to place his detached accessory building in the rear yard.

Krueger stated that the shed currently sits at 93 feet from the road right of way, behind the garage.

Horen explained that Mr. Bourcier's shed is currently 11 foot six inches behind the garage. The garage is set behind the front of the house but not behind the house in its entirety.

Horen questioned whether the shed that was loaded onto Mr. Bourcier's property was a permanent structure or not, loaded on timbers.

Mr. Bourcier confirmed that the shed is not a permanent structure and is loaded on timbers.

Sheppard explained that according to Section 3.27A the required front yard setback is 30 feet from the road right of way to the front of the house.

Horen questioned how long the shed has been on the property.

Mr. Bourcier stated it has been over one year since he had received a letter from the Monitor Township Building Department.

Horen stated Mr. Bourcier has 44 foot 4 inches on his side yard. Mr. Bourcier's daughter, who lives to the north of him, has her garden in that 40-foot space.

Brandt stated that Mr. Bourcier's shed is too close to the garage, and he needs 20 feet between the shed and the garage.

Krueger questioned whether Mr. Bourcier has contacted anyone regarding moving his shed.

Mr. Bourcier denied any contact regarding the movement of his shed.

Horen explained there are pads underneath the 4x4's that it sits on and for Mr. Bourcier to try and move it, he would probably have to pull the whole thing off, and re-locate his pads where the runners are, the 4x4's, for all this to sit on.

Discussion ensued among members.

Brandt mentioned the only way to get the shed in the rear yard is if it is turned sideways, although inconvenient.

Krueger and Horen agreed this would be inconvenient and other problems would arise.

Brandt explained Mr. Bourcier has plenty of room to move his shed to the North if they are able to figure the depth.

Krueger questioned Mr. Bourcier if he asked the township about this shed when he originally bought the shed.

Mr. Bourcier denied contact with the Township.
Krueger stated the only thing she has a problem with is that the shed is 4.4 feet too close to the garage and believes it is a fire issue.

Brandt agreed with Krueger and explained that the 20 foot setback is put in place for fire safety.

Sheppard clarified that if Mr. Bourcier moves the shed 1 ½ feet from the rear property line and 4.4 feet from the garage, he would only need a variance to not be in the required rear yard.

Mr. Bourcier agrees with the members regarding the 20-foot setback and mentioned in 2012, his house did catch on fire, and thankfully did not reach the garage.

Members agreed Mr. Bourcier should investigate moving the shed 4.4 feet to the North to be in compliance with the 20-foot setback from the garage and 1 ½ feet west to comply with the rear yard setback.

Discussion ensued among members.

Horen opened and closed public comment at with no one wishing to speak.

Motion by Brandt, supported by Lyday to table the consideration until September to allow Mr. Bourcier time to figure moving costs.

Roll Call Vote

Yes: Horen, Krueger, Lyday, Brandt

No: None

Absent: Schweitzer, Zube

09-100-V07-000-020-00
SK Siltron CSS LLC.
1311 Straits Drive
Setback Variance Section 10.05(c)
Kenneth L. Keelin, Project Manager

Horen read the notice addressed to surrounding neighbors of 1311 Straits Drive.

Brandt questioned if SK Siltron is requesting a 1-foot variance between the original Horak building and US 10 and asked for an explanation regarding measurements on the prints provided.

Brandt believes SK Siltron will need a little over a 1-foot variance.

Representative from SK Siltron, Keelin, stated he needs approximately 1 foot after a survey was done on the existing building and the new expansion will be built in line with the existing building.

Discussion ensued among members.

Krueger questioned if they are asking for a variance less than two feet.

Lyday questioned if this is okay, since it was noticed at 1 foot, but it appears they need 1.3 foot.

Sheppard explained that he types the notices based on what it states on the application. The application read 1-foot, rather than 1.3 foot.

Sheppard questioned electrical work and Keelin stated work is currently being done, as they just starting breaking ground.

Sheppard stated the Board could grant a conditional variance tonight, and he could re-notice for 1 foot 3 inches.

Sheppard stated the original building was put in the wrong spot.

Brandt agreed.

Discussion ensued among members.

Brandt stated the previously approved expansion plan explained in their records that the setback was approved.

Sheppard explained that the setback can't be approved by any one other than the board members.

Keelin mentioned the previous zoning review for the expansion was approved at 49 feet 3 inches.

Brandt agreed.

Krueger stated the F.P Horak built in 1999. Originally the one-foot setback error occurred at the time and then was compounded when SK Siltron expanded the original Horak building.

Section 18.10 (A) from our ordinance states, "the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship."

Section 18:10 (B) discusses "practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that

the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.”

Section 18:10 (C) discusses “said property for which the variance is sought is NOT so general or recurrent in nature.”

Krueger stated that since the Horak/Siltron property was originally built in 1999 in error by 1 ½ feet, it seems to me that it should be grandfathered in. Sections 18.10 A, B, and C are met; therefore, moved that we grant the 1 and a ½ foot variance on the north side of the property bordering US 10.

Sheppard expressed his concern about notifying the public.

Sheppard stated we need to put something on record notifying that a mistake was made when the original building was first built in case something comes up in the future.

Lyday stated we should go forward with re-noticing it and then pass it.

Keelin questioned if he must wait till next month, will he have to stop construction.

Sheppard recommended the Zoning Board members conditionally approve it conditioned upon the hearing next month so Keelin can continue building.

Members conclude Monitor Township made the original mistake and did not go out to measure the property correctly.

Discussion ensued among members.

Motion by Krueger, supported by Lyday to tentatively approve until next meeting based on the following:

F.P. Horak was built in 1999. Originally the one-foot setback error occurred at that time and then was compounded when SK Siltron expanded the original Horak building.

Section 18.10 (A) from our ordinance states, “the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship.”

18.10 (B) discusses, “practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.”

And 18.10 (C) discusses, “said property for which the variance is sought is NOT so general or recurrent in nature.”

Since the Horak/Siltron property was originally built in 1999 in error by 1 ½ feet, it seems to me that it should be grandfathered in. Sections 18.10 A, B, and C are met; therefore, moved that we grant the 1 ½ feet on the north side of the property bordering US 10.

This is subject to re-noticing the surrounding property owners at the actual variance distance necessary.

Roll Call Vote

Yes: Horen, Krueger, Brandt, Lyday

No: None

Absent: Schweitzer, Zube

Motion by Horen, supported by Brandt to adjourn the meeting.

Motion unanimously carried.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Joy Krueger
Secretary
Jk/tcp