

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS
October 17th, 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, C. Schweitzer, D. Zube
(alternate)

Members absent:

Also present: R. Sheppard-Attorney, Ken Stout

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

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

**Motion by Schweitzer, seconded by Lyday to approve the minutes of September 19,
2024, meeting.
Motion unanimously carried.**

Public Input

Public input was opened and closed at 6:31 p.m.

Items for Consideration

09-100-K05-000-042-03

Ken Stout

2980 Cliff Court

Setback Variance Section 10.05

Horen read the letter sent out to the adjourning property owners for the 9-foot variance request to the property located at 2980 Cliff Court owned by Ken Stout.

Horen questioned Sheppard if Mr. Stout's property is located in an R3 District.

R1 and R2 districts are 40 feet rear yard setbacks and R3 8.05(c) states that rear yard is 30 feet.

The big map shows the property as an R1 property.

Section 3.29c (4) the recent planning commission changes stated that "a fire escape, fire tower, balcony, outside stairway or screened or unenclosed porches shall not project into a required rear yard more than six (6) feet; such encroachment shall not be closer than ten (10) feet from any lot line."

Sheppard commented that Mr. Stout's property in abuts a side yard of the neighbor to the Southeast.

The uniqueness of the size of the parcel being only 99 feet deep and 200 feet wide satisfies 18.10 (a).

The home was built before zoning with no public street access.

18.10 (B) Practical difficulty of unnecessary hardship in carrying out the strict letter of the Ordinances is because of the configuration of the lot, house, septic field, and garage.

18.10 (C) Private Road not so re-occurrent in nature.

Motion by Lyday, supported by Schweitzer to approve the 9-foot rear yard variance on the back side of the house. All conditions of section 18:10 are as follows:

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.”

Roll Call Vote:

Yes: Schweitzer, Lyday, Brandt, Krueger, Horen

No: None

Absent: None

Motion unanimously carried.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Joy Krueger
Secretary
Jk/tcp