

CHARTER TOWNSHIP OF GRAND BLANC
BOARD OF ZONING APPEALS
July 17, 2001

The meeting was called to order by Mr. Hutchison and opened with the Pledge of Allegiance.

MEMBERS PRESENT

Mr. Hutchison, Mr. Wagner, Mrs. Hoffman

STAFF PRESENT

Mr. Lattie, Township Attorney, Ms. Megan Masson, McKenna & Associates, Mr. Matt Morris, Township Planning & Zoning Supervisor

APPROVAL OF AGENDA

Mr. Wagner requested that due to the length of BZA cases #1376-1385 that BZA #1386 be moved up to follow BZA #1374. Motion by Mr. Wagner, supported by Mrs. Hoffman, to approve the agenda as amended. Motion carried 3 – 0.

CORRESPONDENCE

Ms. Masson presented a letter from Howard & Patricia Witnauer regarding BZA #1372. Another letter was also presented in regards to BZA #1388 and one regarding BZA #1374

APPROVAL OF MINUTES

June 6, 2001
June 19, 2001

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve the minutes of June 6, 2001 as presented. Motion carried 3 – 0. Motion by Mr. Wagner, supported by Mrs. Hoffman, to approve the minutes of June 19, 2001 as presented. Motion carried 3 – 0.

OLD BUSINESS

Tabled From the June 19, 2001 Meeting

By: BZA #1356
Arndt Weierstahl
720 Morningside Drive
Grand Blanc, MI 48439

Re: 8267 Old Harbor
12-21-579-025
Section 21
Zoned R-3

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 320: NATURAL FEATURES PROTECTION: WETLANDS AND BODIES OF WATER**

Petitioner is proposing to build a deck which will encroach into the wetland setback by five foot (5'). A ten-foot (10') setback is required.

Mr. Weierstahl presented pictures to explain his request for this variance.

Public comment was opened. No member of the audience spoke.

Ms. Masson reviewed her report from McKenna & Associates. Ms. Masson stated the standards that must be met are as follows:

1. The setback is necessary to preserve the ecological and aesthetic value of the wetlands
2. The natural drainage pattern to the wetland will not be significantly affected
3. The variance will not increase the potential for erosion either before, during or after construction
4. No feasible or prudent alternative exists and the variance is the minimum necessary to allow the project to proceed.

Mr. Lattie spoke stating that they would have to meet all these standards.

Motion by Mr. Wagner, supported by Mr. Hutchison, to approve BZA #1356 as he feels that the standards listed above have been met. That there be no concrete or hard surface below the deck. That it be landscaped for screening. A roll call vote was taken, Mr. Wagner, Yes, Mrs. Hoffman, Yes, Mr. Hutchison, Yes. Motion carried 3 – 0.

NEW BUSINESS

By: BZA #1374
Don Downey
3059 Sloan Heights
Flint, MI 48507

Re: 3059 Sloan Heights
12-04-552-056
Section 04
Zoned R-3, Single Family Residential

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, SECTION 312.3 Restrictions on Placement. Petitioner is proposing to construct an attached carport in the required front yard, with a four (4) foot front yard setback and a one (1) foot side yard setback. The total side yard setback would be seven (7) feet. R-3 Zoning Districts require a 30 foot front yard setback, a six (6) foot single side yard setback and a 16 foot combined side yard setback.

Motion by Mr. Wagner, supported by Mrs. Hoffman, to move BZA #1374 to the end of the meeting, as petitioner is not present. Motion carried 3 – 0.

By: BZA #1376
Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 24 of The Preserves of Grand Blanc
12-35-602-024
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 5.2 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1377
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 25 of The Preserves of Grand Blanc
12-35-602-025
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 4.7-foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1378
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 26 of The Preserves of Grand Blanc
12-35-602-026
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 4.2 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1379
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 27 of The Preserves of Grand Blanc
12-35-602-027
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 3.8 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1380
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 28 of The Preserves of Grand Blanc
12-35-602-028
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 3.3 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1381
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 29 of The Preserves of Grand Blanc
12-35-602-029
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 2.9 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1382
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 30 of The Preserves of Grand Blanc
12-35-602-030
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 2.3 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

By: BZA # 1383
Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 31 of The Preserves of Grand Blanc
12-35-602-031
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 1.9 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

By: BZA #1384
Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 32 of The Preserves of Grand Blanc
12-35-602-032
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 1.4 foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1385
By: Pulte Land Development Corp.
Rep: Kenneth Bullis
26622 Woodward Avenue, Ste. 110
Royal Oak, MI 48067

Re: Unit 33 of The Preserves of Grand Blanc
12-35-602-033
Section 35
Vacant Land, Zoned MDM
Medium Density Multiple

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, **SECTION 313 ACCESSORY STRUCTURES: DECKS**

Petitioner is requesting a variance for a 1-foot variance into the rear yard setback.

Mr. Bill Anderson, Atwell-Hicks, Pulte Land, 123 Brighton Lake Road, Brighton, MI spoke representing Pulte. He presented the request to reduce the setback for the deck into the property setback line for ten (10) properties.

Ms. Masson reported these units have not been built yet. She stated that they must meet all the conditions in the zoning ordinances; practical difficulty, unique situation, not self-created, substantial justice, and minimum variance necessary. Ms. Masson also stated that the Board needs to evaluate whether a deck is an essential part of the principal permitted use.

Public comment was opened. No member of the audience spoke.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to approve BZA #1376 with the condition that no further trees be cut on these lots, and that trees extend from the front building line to the back of the property line of the site. Motion carried 3 – 0.

BZA #1386
By: Todd Van Heterryck
2279 Nichols Avenue
Flint, MI 48507

Re: 2279 Nichols Avenue
12-05-528-094
Section 05
Zoned R-3, Single Family Residential

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, SECTION 316.2. Petitioner has erected a six (6) foot privacy fence in the front setback.

Public comment was opened. No member of the audience spoke.

Motion by Mr. Wagner, supported by Mrs. Hoffman, to table for a month due to the petitioner not being present. Motion carried 3 – 0.

BZA #1388
By: Bradley G. Langdon, DBA Golfers Express
208 Labian
Flushing, MI 48433

Re: 9020 S. Saginaw Street
12-26-100-013
Section 26
Zoned R-1, Single Family Residential

Petitioner is requesting a temporary use permit to erect a tent for the sale of golf products during the 2001 Buick Open Golf Tournament, Section 3508, of the Grand Blanc Township Zoning Ordinance. The dates of the Open will be August 6, 2001, through August 12, 2001. Please advised this office if you have any concerns by July 16, 2001 by 5:00 p.m.

Mr. Langdon spoke presenting his case.

Ms. Masson reported for McKenna & Associates. She presented a letter in regard to this from the neighboring house of the church owned by Howard & Patricia Witnauer, 9044 S. Saginaw St. They are requesting to deny this for the following reasons:

1. Outstanding non-compliance issues with regards to zoning site plan and noise ordinances
2. As a residentially zoned property it is not appropriate for retail sales and related activities
3. It would be inappropriate for a religious owned property in a residential area to be profiting from retail sales since it is not a charitable function

Ms. Masson reviewed the standards for temporary use as follows:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use is permitted.
2. The use shall be in harmony with the general character of the district
3. The granting of the temporary use shall be granted in writing stipulating all the conditions
4. All setbacks, land coverage, off street parking, lighting, signs and other requirements of the ordinance shall be met
5. In classifying uses not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land or structures which do not require foundations, heating systems or sanitary connections.
6. Notice shall be given to owners of adjacent property, within three (300) hundred feet, of the time and place of a public hearing to be held as further provided for in this Ordinance prior to approval of any temporary use permit.

Public comment was opened. Mr. Howard Witnauer, 9044 S. Saginaw Street, spoke opposing this proposed golf sale tent in a residential area. He also stated that this poses a safety issue for people using the cross walk. He feels there are many vacant lots that would be more appropriate for this that are not in a residential area. Mr. Craig Witnauer also spoke opposing this land use.

Mr. Lattie stated that our zoning ordinance has a provision that allows for Buick Open and other temporary parking. It does not allow for selling products on a lot.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to deny BZA #1388 due to the problems involved in this retail sales petition. A roll call vote was taken. Mrs. Hoffman, Yes, Mr. Wagner, Yes, Mr. Hutchison, Yes. Motion denied 3 – 0.

By: BZA #1374
Don Downey
3059 Sloan Heights
Flint, MI 48507

Re: 3059 Sloan Heights
12-04-552-056
Section 04
Zoned R-3, Single Family Residential

Petitioner is seeking a variance to the Grand Blanc Township Zoning Ordinance, Article 3, SECTION 312.3 Restrictions on Placement. Petitioner is proposing to construct an attached carport in the required front yard, with a four (4) foot front yard setback and a one (1) foot side yard setback. The total side yard setback would be seven (7) feet. R-3 Zoning Districts require a 30 foot front yard setback, a six (6) foot single side yard setback and a 16 foot combined side yard setback.

Motion by Mr. Wagner, supported by Mrs. Hoffman, to move BZA #1374 to the end of the meeting as petitioner is not present. Motion carried 3 – 0.

Public comment was opened. Mr. Ronald Olsey, 3093 Sloan Heights, opposed having it so close to the road.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to table to the August 21, 2001 meeting. Motion carried 3 – 0.

The following BZA cases have had previous Buick Open Parking Lots and are applying for their yearly permits:
BZA #1369 - John Harada, vacant land Lot 113 Warwick Hills, 12-23-577-113
BZA #1370 - Buick Open Committee, 4433 E. Cook Rd. (Cook School), vacant land south side of Baldwin Rd near Saginaw St, 12-35-200-025, vacant land adjacent to Woodland Park Academy 12-26-200-002, Lot 1 & 2 Warwick Hills, 12-23-577-001, 9057 S. Saginaw (Warwick Hills Country Club) 12-36-200-010
BZA #1371 - Linda Chinonis, 6009 Plantation Drive, 12-25-501-069
BZA #1372 - St. Christopher's Episcopal Church, 9020 S. Saginaw St. 12-26-100-013
BZA #1373 - Lou Lawrence, Fairways of Warwick Subdivision 15 vacant lots off of Saginaw St.
BZA #1387 - Louis Coriasso, Lot 107 Warwick Hills, 12-23-577-107

Mrs. Kristi Scribmeir, 5225 E. Cook Road, spoke requesting Buick Open Parking at this property.

Motion by Mrs. Hoffman, supported by Mr. Wagner, to give Mr. Morris Administrative Approval since this has been a parking lot before and has meet all the 12 recommendations. Mr. Morris's Administrative Approve would include any cases that have been previously approved and meet all 12 conditions. Motion carried 3 – 0.

Motion by Mr. Wagner, supported by Mrs. Hoffman, that BZA #1369, BZA #1370, BZA #1371, BZA #1372, BZA #1373, BZA #1387, be approved with the stipulation that all 12 requirements be followed and the building department be consulted. Motion carried 3 – 0.

OTHER BUSINESS

NONE

ADJOURNMENT

Motion by Mr. Wagner supported by Mrs. Hoffman, to adjourn.
Motion carried 3 – 0.

Lorraine A. Parker
Clerk

By: Linda Leitch
July 27, 2001

Board Approval: August 21, 2001