

MEETING

CITY OF WALKER

ZONING BOARD OF APPEALS

Thursday, November 12, 2009

7:00 p.m.

The meeting of the Zoning Board of appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Brian Boelens; Randy Smith; Sandi Howland, Alternate; and John Tuffelmire, Alternate. Members absent: Charles Deschaine; James Hickey; and Beth Rogers. Also present: Jeff Nelson, Building Official; and Bonnie Antcliff, Recording Secretary.

DECISION AND ORDER

Motion

Brian Boelens moved and Sandi Howland supported the motion to remove 931 Harding from the table.

Motion carried 6 to 0.

Legal Description

Property located at 931 Harding, NW also known on the tax rolls as 41-13-11-426-004. Hearing requested by Glenn A. Buller.

The applicant's request is to split existing through parcel creating one conforming lot with a single family house, one parcel with a house with 73 ft. of street frontage instead of 90

ft. and exceeding the one to four width to depth ratio and creating a lot on Hillside with 2 accessory buildings and no principle structure.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted. He stated that we have correspondence from the Planning Department and Engineering Department. At the last meeting we requested information about the one ft. strip that Meijers has on Hillside.

Mr. Buller stated that he went to the Register of Deeds and could not find anything about this one ft. strip. He went on to say that they told him there is no such thing as a one ft. strip. They worked on this for 2 hours and they found there was a one ft. strip but could not find anything saying that this has been removed. He stated he talked with Rob VerHeulen and he said that he remembered that one ft. strip being there and it is still there. He went on to say that he talked with an attorney at Meijers and the attorney told him that he could not find any documentation saying that Meijers owned that property. Mr. Buller stated that he went back to the Register of Deeds and they still could not find anything. They did say that Meijers owns near U-Haul that is west up the hill and there is a man on Gaynor that owns on the curve but none of it comes through my property that they could distinguish at the Register of Deeds. They then told me to go to Nedervelds since they are the people that surveyed this property. They are going to go back into the archives but this will take a few days. Mr. Buller asked to have this tabled until he can get more information.

Robert Marz, Chairman stated that with the communications we have had with the Planning and Engineering Department he was not sure that the one ft. strip was the dominating factor here. He did not feel that tabling this would work. This Engineering Department says that they will not allow a permit for a driveway out to the street. He went to say that they do not want to create a land-locked piece of property with no frontage. He went on to say that the Planner does not feel there would be problem splitting this property into two parcels but not three parcels.

Mr. Buller stated that people on the back of the property want to buy the house and that is where this all started and Mr. Buller wants to keep the two accessory buildings there. He wants access to these buildings. He is not planning on building anything here.

Roger Crabtree asked if there was any way that the pole barns could be combined on the same lot with the house up front?

Mr. Buller replied no that would be too hard.

Linda Summey, 936 Harding stated that she is concerned about another house being built here.

Mr. Buller stated that he has no intention of building anything.

Robert Marz stated that he cannot build a house on either lot. They will both be single family use.

Motion

Roger Crabtree moved and Sandi Howland supported the motion to grant the applicant's request to split existing through parcel creating one conforming lot with a single family house, one parcel with a house with 73 ft. of street frontage instead of 90 ft. and exceeding the one to four width to depth ratio.

- a. There are exceptional or extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. This is a unique piece of property within the city limits, it is almost 2 acres. This property has street frontage on Harding and Hillside Dr. There are currently 2 houses on 1 parcel.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. 833 Harding, 841 Harding, & 943 Harding have less than the required frontage.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that this will be no detriment to neighbors and there will be no visible changes on the lots.

- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation. This will not be a general problem by splitting this lot this would eliminate a non-conforming use.
- e. Does not apply.

Motion carried 6 to 0.

DECISION AND ORDER

Legal Description

Property located at 774 Wilson, SW also known on the tax rolls as 41-13-31-253-006.
Hearing requested by Timothy Szubinski.

The applicant's request is to maintain a 3375 sq. ft. detached accessory building instead of the 1200 sq. ft. allowed. To obtain a use variance to use the accessory structure for warehousing commercial goods.

Motion

Roger Crabtree moved and Brian Boelens supported the motion to table the applicant's request to maintain a 3375 sq. ft. detached accessory building instead of the 1200 sq. ft. allowed. To obtain a use variance to use the accessory structure for warehousing commercial goods until December 10, 2009 since the applicant failed to appear.

Motion carried 6 to 0.

DECISION AND ORDER

Legal Description

Property located at 3500 Alpine, NW also known on the tax rolls as 41-13-01-103-023. Hearing requested by City Sign Erectors.

The applicant's request is to install a 3.67 sq. ft. PNC Bank sign on the SW wall to identify the ATM machine.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted. No citizen appeared with respect to this request.

Tom TerHaar, City Sign Erectors stated that this is a unique situation.

Roger Crabtree commented that this sign does not designate that it is an ATM machine. The sign just says PNC Bank.

Robert Marz, why does it not have ATM on the sign itself?

Mr. TerHaar stated that there is replacement directional signage that will direct the visitors to the ATM location.

Robert Marz stated that he felt it should have ATM on the sign being asked for. He went on to say that the variance should be for directional purposes and not to just advertize the bank.

Mr. TerHaar replied that as a legality, the company just wants to identify this as a PNC Bank. He asked if the sign said ATM would it help our case here?

Robert Marz, Chairman replied yes, as far as he was concerned. He went on to say that we are trying to justify a variance for this sign.

Jeff Nelson stated that if you added ATM it would have to be within the sign area + that they are proposing.

Mr. TerHaar stated that we are removing the existing National City ATM banking sign and all of the existing clearance signs that are green and white and we are proposing an ATM drive-up panel non-illuminated in that area. So it would be identified as an ATM.

Robert Marz replied we are trying to justify this sign being there and the more signage you put up somewhere else, all that does is advertise the bank.

Melissa Geyer, PNC Bank, stated that this is their standard set of signage and they are trying to put all their signage on the National City buildings.

Mr. TerHaar stated that if it would help our case, we are willing to add ATM to the proposed sign.

Motion

Sandi Howland moved and Randy Smith supported the motion to approve the applicant's request to install a 3.67 sq. ft. PNC Bank sign on the SW wall to identify the ATM machine with ATM added to the sign.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. This is a business center for customer transaction. The bank needs to get this business portal identified as a PNC, ATM machine.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. Currently the ATM machine is not identified, we would like to correct this.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that only 3.67 sq. ft. that brands the ATM that is only slightly visible from the street.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as

to make reasonably practicable for the formulation of a general regulation. This is only an isolated incident that would only pertain to banks.

e. Does not apply.

Motion carried 5 to 1. Roger Crabtree opposed.

Motion

Randy Smith moved and Roger Crabtree supported the motion to approve the Zoning Board of Appeals minutes of August 27, 2009.

Motion carried 6 to 0.

Motion

Randy Smith moved and Roger Crabtree supported the motion to approve the Zoning Board of Appeals minutes of October 22, 2009.

Motion carried 6 to 0.

Motion

Brian Boelens moved and Randy Smith supported the motion to adjourn the Zoning Board of Appeals at 7:55 p.m.

Motion carried 6 to 0

Roger Crabtree, Secretary