

# Watertown Charter Township

12803 S. Wacousta Road, Grand Ledge MI 48837 | (517) 626-6593

October 12, 2011 Zoning Board of Appeals Regular Meeting Minutes - DRAFT

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**CALL TO ORDER:** The meeting was called to order at 7:00pm by Chair Ron Overton with the Pledge of Allegiance.

**ZBA MEMBERS PRESENT:** Chair Ron Overton, Vice-Chair Tom Hinline, Secretary Janice Thelen, John Wiesner

**ZBA MEMBERS ABSENT:** None.

**STAFF PRESENT:** Planning Director Andrea Polverento

**COMMUNICATIONS RECEIVED:** Polverento reviewed the communications received.

**AGENDA APPROVAL:**

Motion by Thelen, seconded by Hinline, to approve the agenda as presented. Motion carried.

**PUBLIC COMMENT, NON-AGENDA ITEMS:** None

**APPROVAL OF MINUTES:**

Motion by Weisner, seconded by Hinline, to approve the minutes of August 10, 2011 as presented. Motion carried.

**ADVERTISED PUBLIC HEARINGS:**

**A. Case No. 11-02ZBA – Eckhart & Associates Variance Request**

Overton opened the public hearing at 7:05pm.

Polverento reviewed the staff report, noting that the applicant was asking for a 15-foot variance from the rear yard setback for the construction of an industrial building. The rear yard was previously determined to be the northern property line along State Road.

Polverento described the nature of the lot including its position along two public roads that are neither parallel nor perpendicular.

Polverento proposed three possible options for the Zoning Board of Appeals to consider: deeming the frontage along State Road to be a front yard, which has a 35 foot setback, and the building construction could be completed, grant the 15-foot variance from the rear yard setback, or to deny the variance request.

Overton asked about the outlot on the west side of the property that was set aside for National Parkway to have ingress/egress from State Road. There was discussion regarding the unlikelihood of that being developed in the near future.

Overton asked Mr. Rick Girth of Eckhart & Associates to describe the nature of their business. Girth explained that Eckhart and Associates builds custom engineered assembly line solutions for mainly automotive companies.

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Thelen asked about the length of the proposed building and whether it would be the same as the existing building on the property. Girth replied that it would extend longer than the existing building by approximately 40 feet.

The Zoning Board of Appeals discussed the landscaping requirements.

Ms. Geneva Wiskemann, 5580 State Road, noted the increased activity and noise in the area, during the night. Girth explained that their general business hours are from 7am to 5pm, and that the building is not open during the night. There was discussion regarding the noise possibly coming from FedEx or Wolverton.

Overton closed the public hearing at 7:23pm.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. Case # 10-08 ZBA – Request for Variance**

Overton asked Polverento to describe the landscape requirements, and to describe the difference between a major and moderate buffer.

The Zoning Board of Appeals discussed whether or not the frontage should be deemed a front yard. It was their determination the northern property boundary along State Road was the rear yard.

There was discussion about the berm the applicant was removing and whether a new berm should be required as a condition of a possible variance, or if that should be handled through the site plan review process.

Thelen was concerned about the time it takes for trees to mature, and that she felt a berm would be beneficial to the site.

Polverento raised the point that detention/retention areas are allowed within the buffer zone, and that would be something the Drain Commission may have requirements for during the site plan process.

Weisner was also in favor of a short berm with the trees on the top. There was discussion regarding whether a berm should be a condition of approval. The Zoning Board of Appeals generally felt that the site plan review process would adequately address the landscaping concerns.

The Zoning Board of Appeals went over the review standards for variances, from Section 28-121 of the Zoning Ordinance.

A non-use or dimensional variance may be allowed by the Board of Appeals only where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:

(A) Granting the variance will not be contrary to the public interest and will ensure that the spirit of this ordinance is observed.

**Staff and ZBA Comments:** The requested variance will not be contrary to the public interest.

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(B) Granting this variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.

**Staff and ZBA Comments:** The requested variance will not cause an adverse effect to property or improvements in the vicinity or in the LI, Light Industrial Zoning District.

(C) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.

**Staff and ZBA Comments:** The variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance. The request is specific to the needs of the business, site conditions and shape of the subject parcel.

(D) That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:

- (1) exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter
- (2) exceptional topographic conditions
- (3) by reason of the use or development of the property immediately adjoining the property in question; or
- (4) any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.

**Staff and ZBA Comments:** (4) The issue of frontage along two public roads that are neither parallel nor intersecting is an extraordinary circumstance.

(E) That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

**Staff and ZBA Comments:** The requested variance would allow the applicant to construct an industrial building, a substantial property right possessed by other properties in the vicinity and in the same zoning district. There should be a right to expand a business within reason, provided there is no adverse effect to nearby properties.

(F) That the variance is not necessitated as a result of any action or inaction of the applicant.

**Staff and ZBA Comments:** The requested variance is not the result of intentional action taken by the applicant.

Motion by Overton, seconded by Hineline that the variance for **Eckhart & Associates**, located at **16185 National Parkway, Greater Lansing Industrial Park Lot No. 8, Case # 11-02 ZBA**, a request for a 15 foot variance from the rear yard setback requirement for a parcel in the LI, Light Industrial Zoning District be **approved**, based on the findings of fact in accordance with Section 28-121 of the Watertown Charter Township Zoning Ordinance and pursuant to the Michigan Zoning Enabling Act.

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Roll Call Vote:

Yes: Hinline, Weisner, Overton, Thelen

No: None

Vacancy: One

Motion Carried.

**COMMITTEE REPORTS:** Polverento reviewed the committee and staff reports.

**COMMENTS AND QUESTIONS FROM AUDIENCE, STAFF AND BOARD MEMBERS:** None.

**ADJOURNMENT:**

Motion by Thelen, seconded by Hinline to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:00pm.

Date approved: \_\_\_\_\_

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Ron Overton, Chair

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Janice Thelen, Secretary