

ATTICA TOWNSHIP
MINUTES OF THE
ZONING BOARD OF APPEALS

July 9, 2015

At a meeting of the Attica Township Zoning Board of Appeals held on the 9th day of July, 2015, at the Attica Township Hall, 4350 Peppermill Road, Attica, MI, 48412, the following members were present: Carol Eisenhardt, William Winslow, Elaine Thayer, Richard Lacey and Kent Gierman. Absent: None. Also present: The public per the attached sheet.

The meeting was called to order at 6:32 p.m. by Chairperson Kent Gierman.

The Board having reviewed the last meeting minutes of December 11, 2014 and there being no corrections, additions or deletions:

MOTION by Thayer, seconded by Lacey to approve the December 11, 2014 Zoning Board of Appeals minutes as presented. A vote was taken. Ayes: All; Nays: None. **MOTION CARRIED.**

Chairperson Gierman opened the meeting to consider the request of three residents.

1. The Zoning Board of Appeals is asked to consider a request by **Craig and Denise Lepkowski** under Section 5.1.7 of the Attica Township Ordinance, which indicates that no accessory building shall be constructed prior to a principal structure.

Land situated in the Township of Attica, Lapeer County, Michigan, described as:

921 Center Drive, Attica, MI 48412 in Section 4 of Attica Township, Michigan.

The Applicants would like to construct an accessory building at 921 Center Drive to use as storage for their boat, trailer, lawn mower and other items. They feel this would keep their property free of blight. The accessory building would be the only structure on the lot and would be on a lot other than the primary residence which is located at 4154 Lakeview Drive. Presently there is a shed located on the primary residence, in bad condition that they would tear down. The property at 921 Center Dr. presently has a small cottage and shed that they would also tear down to build a 24 ft. x 32 ft. pole barn. They have spoken to neighbors who have signed letters indicating they believe removal of the cottage and sheds and

building of the accessory building would make the neighborhood more attractive.

Planner Birchler stated that the standards of Section 7.16.2 required for a variance have been met and recommended the ZBA grant approval with the following conditions: That the Lepkowski's record a deed restriction with the Lapeer County Register of deeds that binds the lot and accessory building at 921 Center Drive to the lot and principal residence at 4154 Lakeview Drive; that the accessory building at 921 Center Drive meet or exceed all setbacks required for principal structures in the R-3 district and shall not be placed closer to the front lot line than homes on either side of 921 Center Drive; that the exterior appearance of the accessory building shall be compatible with homes along Lakeview Dr. within 200 ft.

There was lengthy discussion and there being no further comments from the Zoning Board of Appeals:

MOTION by Winslow, seconded by Eisenhardt to grant a variance request under Section 5.1.7 of the Attica Township Zoning Ordinance, to construct an accessory building at 921 Center Drive, without having a principal structure on the lot with the following conditions: That the Lepkowski's file a deed restriction with the Lapeer County Register of Deeds that binds the lot and accessory building at 921 Center Drive to the lot and principal residence at 4154 Lakeview Drive; the removal of an old cottage and two old sheds; that the accessory building be vinyl sided; that the accessory building at 921 Center Drive meet or exceed all required setbacks for a principal residence. A roll call vote was taken: Winslow: Aye; Lacey: Aye; Eisenhardt: Aye; Thayer: Aye and Gierman: Aye. Ayes: All; Nays: None. **MOTION CARRIED.**

2. The Zoning Board of Appeals is asked to consider a request by **Samantha Mason** to construct a 40 ft. x 44 ft. pole barn on her 10 acre property that is zoned AG agriculture. Although the proposed building is only 1,760 sq. ft., a 576 sq. ft. detached garage already exists on the site. This would result in 2,336 sq. ft. of detached accessory building. Section 5.1.3C of the Attica Township Ordinance, states that the total area of detached accessory buildings on a residential lot shall not exceed 2,200 sq. ft.

Land situated in the Township of Attica, Lapeer County, Michigan, described as:

822 North Force Rd., Attica, MI 48412 in Section 5 of Attica Township, Michigan.

The Applicant states she needs that much room to store her yard equipment, children's toys, and personal vehicles and also to provide room for her husband's

hobby of working on racecars and storing racing equipment.

Planner Birchler stated that all of the facts and conditions presented within Section 7.16.2 as being required to allow for a variance from the standards of Attica Township's Zoning Ordinance have not been met.

There was lengthy discussion and there being no further comments from the Zoning Board of Appeals:

MOTION by Winslow, seconded by Lacey to deny Samantha Mason a variance to build an accessory building larger than 2,200 sq. ft. because it is a self-inflicted hardship. A roll call vote was taken: Winslow: Aye; Lacey: Aye; Eisenhardt: Aye; Thayer: Aye and Gierman: Aye. Ayes: All; Nays: None. **MOTION CARRIED.**

3. The Zoning Board of Appeals is asked to consider a request by **Terry & Liz Mathis** to operate a hobby farm on their property, a 4.53 acre parcel zoned AG agricultural. They would like to raise a minimum of two horses, but do not intend to limit the hobby farm to just horses. Without a variance they would have to move from their current location.

Land situated in the Township of Attica, Lapeer County, Michigan, described as:

2391 South Lake Pleasant Rd., Attica, MI 48412 in Section 27 of Attica Township, Michigan.

Planner Birchler stated that all of the facts and conditions presented within Section 7.16.2 as being required to allow for a variance from the standards of Attica Township's Zoning Ordinance have not been met. He suggested the Applicants attempt to acquire an additional 0.47 acres of land.

Tom and Karen Gartley, neighbors of Terry and Liz Mathis, approve of the Mathis's having horses and would hate to lose them as neighbors. They would be willing to work something out to lease the 0.47 acres needed.

There was lengthy discussion and there being no further comments from the Zoning Board of Appeals:

MOTION by Thayer, seconded by Lacey to table a request from Terry and Liz Mathis to be granted a variance of operating a hobby farm on less than five acres of land until there is a contract between neighbors to lease at least 0.47 acres of land. A roll call vote was taken: Winslow: Aye; Lacey: Aye; Eisenhardt: Aye;

Thayer: Aye and Gierman: Aye. Ayes: All; Nays: None. **MOTION CARRIED.**

There being no further business before the Zoning Board of Appeals, **MOTION** by Winslow, seconded by Eisenhardt to adjourn the meeting at 7:17 p.m. A vote was taken. Ayes: All; Nays: None. **MOTION CARRIED.**

Kent Gierman, Chairperson

Maureen Lemons, Recording Secretary