



AGENDA
ZONING BOARD OF APPEALS MEETING
Wednesday, May 15, 2019

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE:
- II. ROLL CALL:
- III. MINUTES OF PREVIOUS MEETING: APRIL 24, 2019
- IV. ADDITIONS OR CHANGES TO AGENDA:
- V. COMMUNICATIONS:
- VI. PUBLIC COMMENT:
- VII. NEW BUSINESS:
 - 1. Public Hearing - 2310 McComb Dr - Zoning Variance
 - a. Rear setback reduced by 5 feet
 - b. Reduce or waive accessory building distance requirements from home
- VIII. ADJOURNMENT:



ASPOSE
Your File Format APIs

Charter Township of Vienna Zoning Board of Appeals Meeting

Meeting Date:	Wednesday, April 24, 2019	Location:	3400 W Vienna Rd, Clio, MI 48420	Time:	5:30 PM
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Meeting Attendees

Name	Role	P=Present A=Absent,	Name	Role	P=Present A=Absent,
Gregg Carrier	Chairman	P	Richard Polmanteer	Member	P
Marie Canterbury	Vice Chair	P	Mary Johnson	Secretary	P
Karen Mason	Alternate	P	Dennis McDonagh	Recording Secretary	P

Call to Order: 5:30 PM, Pledge was spoken

Roll Call: All present, Karen Mason sitting in for Cindy Bryan

Meeting Minutes from 9/5/2018: Motion to Approve by Polmanteer
Support by Canterbury
All in favor – Minutes Approved

Additions or Changes to Agenda: None

Communications: None

Public Comment: None

**New Business:
Election of Officers**

Carrier opened officer elections

Chairman:
Canterbury nominates to keep Carrier as Chairman
Support by Polmanteer
All are in favor, motion carried
Gregg Carrier is ZBA Chairman

Vice Chairman:
Polmanteer nominates to keep Canterbury as Vice Chairman
Support by Johnson
All are in favor, motion carried
Marie Canterbury is ZBA Vice Chairman

Secretary:
Canterbury nominates to keep Johnson as Secretary
Support by Polmanteer
All are in favor, motion carried
Mary Johnson is ZBA Secretary

Set Meeting Schedule for 2018 Carrier asked if Wednesdays at 5:30 PM worked which everyone seemed to agree with. There was no discussion on this and it was decided to leave it as is.

**Public Hearing:
5169 W Farrand
variance for a new
pump station**

Carrier opened the public hearing at 5:35 PM and made the first call for public comment.

John O'Brien Director of Genesee County Water & Waste Presenting
O'Brien explained the project. The original site was built in the 1960's as the first station and it's just time to replace it. This is the final station where everything is collected and from here is sent on to the treatment plant in Montrose. They are limited on where the building can go as it has to be near the existing gravity sewer, but also by wetland area. Requesting a variance to allow the building to come 10 feet closer to the road than what is allowed in the ordinance making it 25 feet from the road rather than 35 feet as required in the ordinance.

Carrier asked is the new building going to be larger?

O'Brien replied yes, but, it will not have an open wet well. The current building has an open wet well.

Canterbury asked if the current building is 25 feet off the road.

O'Brien stated that is was.

Polmanteer asked if there was any reason you have to be straight across the road from the present building.

O'Brien stated that the sewer was already 30 feet deep on that side of the road so to go further east uphill would make it very difficult.

Mason asked if there was going to be parking down in there.

O'Brien stated that there would be no parking.

Polmanteer asked why the building couldn't go further east.

O'Brien stated that they did look at this, but they need to be able to enter the building from both sides in order to bring in equipment.

Carrier made a second call for public comments.

Anne Vierow – 5091 W Farrand Rd – expressed concern about noise and lights coming from the property.

O'Brien explained that they do not have big flood lights and would only have small LED lights over the doors. He went on to say that the new building will be a double block wall which should dampen the noise, so the noise should be considerably less than it is right now.

Carrier made the third and final call for public comments.

Public hearing closed at 5:44 PM

Canterbury made a motion to approve the requested 25 foot setback granting the 10 foot variance.

Support by Johnson.

Roll Call Vote: Mason – Yes, Canterbury – Yes, Polmanteer – Yes, Johnson – Yes, Carrier – Yes, all are in favor – Motion Carried

Adjournment:

Motion by Canterbury

Support Mason

Adjourned – 5:47 PM

15 DAY

VIENNA TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

I. PROPERTY INFORMATION

Address or Parcel Number: 2310 McComb Dr. #18-14-100-042 Site Plan Included: Y N
 (Please include some form of site plan)

Description of General Location: Off of Tuscola

Current Zoning: RESIDENT Lot Size: _____ Current Use: RESIDENT

Requesting: Variance Interpretation Administrative Appeal

Type of Variance(s): Setbacks Signage Parking Other (Describe Below)

Reason / Description of Request: to keep HOUSE AND BARN IN LINE
REDUCE SET BACK BY 5 FT

II. APPLICANT INFORMATION

Name: DAVID LUCERO Phone: 1810 955 4176

Mailing Address: 2310 McComb Dr City: CLIO State: MI Zip: 48420

III. PROPERTY OWNER INFORMATION (if different from applicant)

Owner Name: David Lucero Owner Phone: 1-810-955-4176

Owner Address: 2310 McComb Dr City: CLIO State: MI Zip: 48420

IV. CHECKLIST (Please answer each question to the best of your ability & explain your answer on next page)

1. Special or unique conditions and circumstances exist which are not generally applicable to other lands, structures, or buildings in the same district.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district; and that the variance is the minimum necessary.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. The special conditions and circumstances do not result from the actions of the applicant.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. The spirit of this ordinance shall be observed, public safety secured and substantial justice done.	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby affirm that the information provided for this hearing is accurate to the best of my knowledge.

David Lucero 4 25 19 DAVID LUCERO
 Applicant Signature Date Applicant Name Printed

David Lucero 4 25 19 DAVID LUCERO
 Owner Signature Date Owner Name Printed

OPTIONAL: By signing below, I hereby grant permission for Vienna Township Officials and/or Zoning Board of Appeals Members to enter my property for on-site inspection related to this application. (Failure to grant permission will not affect any decision on your application)

David Lucero 4 25 19
 Owner Signature Date

Office Use Only: Fees Paid: Y N Amount Paid: _____ Date Paid: _____ Hearing Date: _____

Decision: Approved Denied Determination: _____

 Vienna Township ZBA Signature Date 4 Vienna Township ZBA Name Printed

email: ~~s~~slucero12@comcast.net

V. PLEASE EXPLAIN YOUR ANSWERS FROM THE CHECKLIST IN SECTION IV. (NON-USE / DIMENSIONAL)

1. Special or unique conditions and circumstances exist which are not generally applicable to other lands, structures, or buildings in the same district.

2. The provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district; and that the variance is the minimum necessary.

3. The special conditions and circumstances do not result from the actions of the applicant.

4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.

5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.

6. The spirit of this ordinance shall be observed, public safety secured and substantial justice done.

A drawing of the site/property must be included with the application showing any pertinent details and dimensions necessary.

Zoning Board,

4-25-19

I'm writing this letter regarding a build of a new home at 2310 McComb Dr. I want to be in a parallel line with the back of my barn. Starting 45' east which is first NW corner of new house. Then 57' 4" to NE then SE 40' then SE 57' 4". Then back 40' to original NW start this move of start line be approximately 30' instead of 35' off of back property line.

Dawn Lucero 4-25-19



POWELL LAND SURVEYING, PC

12256 N. Seymour Road • Montrose, MI 48457

May 30, 2018

Shelly Lucero
2310 McComb Drive
Clio, MI 48420

RE: Combine legal descriptions of parcels 18-14-100-042 and 18-14-100-043 as one parcel, Part of the NW 1/4 of Section 14, T9N-R6E, Vienna Township, Genesee County, Michigan.

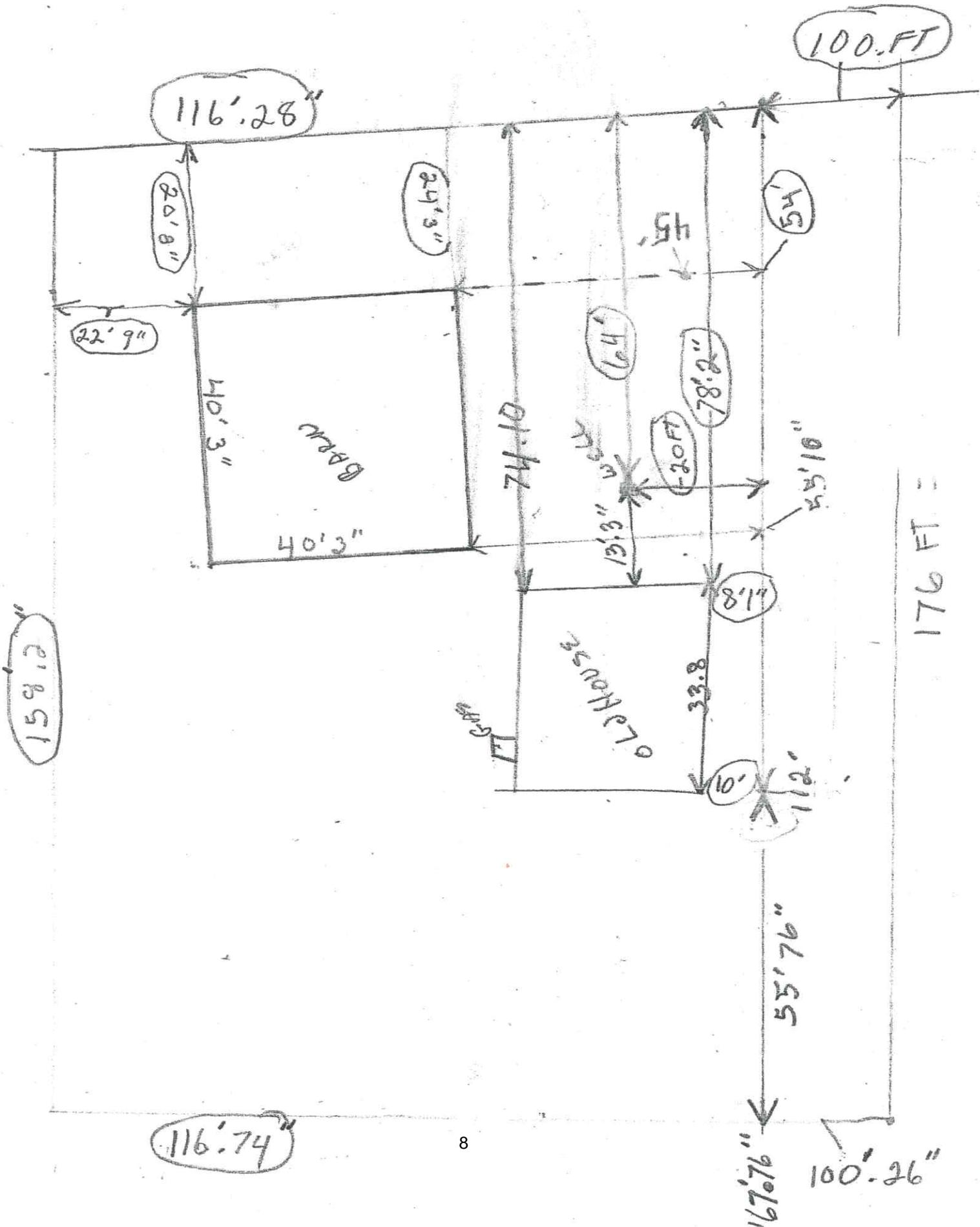
LEGAL DESCRIPTION OF PARCELS 18-14-100-042 AND 18-14-100-043 COMBINED:
PART OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 6 EAST, VIENNA TOWNSHIP, GENESEE COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT WHICH IS 794 FEET EAST, AND N22°30'E, 355 FEET, AND N85°20'W, 100 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14; THENCE N85°20'W, 217 FEET; THENCE NORTH, 158.2 FEET; THENCE EAST, 216.28 FEET; THENCE SOUTH, 176 FEET TO THE POINT OF BEGINNING. CONTAINING 0.83 OF AN ACRE OF LAND. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.



Phone (810) 639-2001 • Fax (810) 639-7094

Web: WWW.PowellLandSurveying.com

Email: Mark@PowellLandSurveying.com



NOTICE OF PUBLIC HEARING

A public hearing will be held by the Vienna Township Zoning Board of Appeals on **Wednesday, May 15, 2019 at 5:30 p.m.** The hearing will take place at the Vienna Township Hall, 3400 W Vienna Road, Clio, Michigan.

The Zoning Board of Appeals will be hearing an appeal for a zoning variance to reduce the rear setback for a home by five (5) feet, and to reduce or waive the distance of an accessory building to a house so the property owner may build a new home located at 2310 McComb Dr.

Legal Description:

PART OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 6 EAST, VIENNA TOWNSHIP, GENESEE COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT WHICH IS 794 FEET EAST, AND N22°30'E, 355 FEET, AND N85°20'W, 100 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14; THENCE N85°20'W, 217 FEET; THENCE NORTH, 158.2 FEET; THENCE EAST, 216.28 FEET; THENCE SOUTH, 176 FEET TO THE POINT OF BEGINNING. CONTAINING 0.83 OF AN ACRE OF LAND. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

Parcel #: 18-14-100-042 & 18-14-100-043 COMBINED

This meeting is open to the public. Interested parties can examine the application and plans at the Vienna Township Hall located at 3400 W Vienna Rd, Clio, MI 48420, between the hours of 8:00 AM – 5:00 PM on Monday, Tuesday and Thursday and from 8:00 AM – 6:00 PM on Wednesdays. The Public may appear at the hearing in person, or by counsel, and be heard on this matter. Written comments will be received at the Vienna Township Office until 5:00 p.m. on the hearing date. Please call the Zoning Administrator with any questions at 810-686-7676.

Dated: April 29, 2019
Publish: May 1, 2019

Vienna Township Zoning Board of Appeals

Individuals with disabilities requiring auxiliary aids or services shall contact Vienna Township by writing or calling, 7 business days before the Public Hearing, Cynthia J. Bryan, 3400 W Vienna, Clio, MI 48420, 810-686-7580

Parcel ID	Property Address	Owner Name	ownstreet	Owner City
18-14-100-035	12536 TUSCOLA RD	MADDOX, KYLE & CARA	12536 TUSCOLA RD	CLIO
18-14-100-037	12518 TUSCOLA RD	WESTLING, ROBIN	12518 TUSCOLA RD	CLIO
18-14-100-038	2360 MCCOMB DR	WATTERSON, RYAN R	2360 MCCOMB DR	CLIO
18-14-100-036	12526 TUSCOLA RD	HENDERSON, LOIS	12526 TUSCOLA RD	CLIO
18-14-100-054	2349 MCCOMB DR	LAVELLE, CAROL	2349 MC COMB DR	CLIO
18-14-100-039	2346 MCCOMB DR	CHRISTENSEN, JAMES	PO BOX 58	CLIO
18-14-100-055	2341 MCCOMB DR	SLONE, JEREMY W	2341 MC COMB DR	CLIO
18-14-100-033	12546 TUSCOLA RD	RATZA, SCOTT	12546 TUSCOLA RD	CLIO
18-14-100-040	2324 MCCOMB DR	BOWER, DAVID & BEVERLY	2324 MC COMB DR	CLIO
18-14-100-056	2335 MCCOMB DR	CUSENZA, JACK	PO BOX 353	CLIO
18-14-100-041	2326 MCCOMB DR	DIETZ, RANDY & TERESA	2326 MC COMB DR	CLIO
18-14-100-057	2323 MCCOMB DR	ROBINSON, JAMIE	2323 MC COMB DR	CLIO
18-14-100-034	12572 TUSCOLA RD	LAVERE, DAVID	12572 TUSCOLA RD	CLIO
18-14-100-058	2305 MCCOMB DR	MULCAHY, SCOTT & YVONNE	2305 MCCOMB DR	CLIO
18-14-100-032	13006 TUSCOLA RD	ISHAK, AMJAD N	8130 W CARPENTER RD	FLUSHING
18-14-100-044	2292 MCCOMB DR	CLEMONS, TONY	2292 MC COMB DR	CLIO
18-14-100-059	2261 MCCOMB DR	BELLANT, DONALD W	2261 MC COMB DR	CLIO

ownstate Owner Zip

MI	48420
MI	48433
MI	48420
MI	48420

45 Feet between Barn and New Home, Front Face even w/Barn

Proposed 30 Feet Setback

New Home
57 X 40

Existing/Old Home 

45 Feet between Barn and New Home, Front Face even w/Barn

Proposed 30 Feet Setback

Furthest Point House can go

Approximately 40 Feet

Proposed New Home 57 X 40

Existing/Old Home

Possible Alternative

70 Feet between House and Barn in this Alternative With Barn behind House

Sec. 1800. - Height, bulk, density, and area standards by zoning district.

Use District		Minimum Size Lot		Maximum Density (units/acre)	Maximum Heights of Structures In Feet	Minimum Yard Setback (feet) (b)				Ground Floor Area Minimum Per Unit (sq. ft.)	Maximum % Lot Area Covered by Buildings
		Area (sq. ft.)	Width (feet)			Sides					
						Front	Least Side	Total of Two	Rear		
RSA	One family residential min. ave./plat or plan smallest lot/site size	12,000 10,800 (a)	90 (a)	1.7	45	35	12 (c)	25	35	1,040	35%
RU-1	One family residential min. ave./plat or plan smallest lot/site size	8,750 8,000 (a)	70 (a)	2.0	45	25	10 (c)	20	35	1,040	35%
RMC	Multiple-family condominium residential	1 ac.	165	(d)	45	50 (e,f,m)	50 (e,f,g,m)	100 (e,f,g,m)	50 (e,f,g,m)	(h)	35%
RM	Multiple-family residential	1 ac.	165	(d)	65	50 (e,f,m)	50 (e,f,g,m)	100 (e,f,g,m)	50 (e,f,g,m)	(h)	40%
AR	Agricultural residential	2.0 ac.	165	—	45	75	25 (c)	50	75	1,040	35%

			Minimum Yard Setback (feet) (b)					Minimum Percentage Required		
Use District		Maximum Height of Structures (feet)	Front	Each Side	Rear	From Residential District	From Side Street	Front Yard Open Space	Landscaped Area of Lot (percent)	Maximum Floor Area Ratio
OST	Office service transition	45	40 (i, k)	12 (k)	25 (k)	25 (k)	25 (i, k)	50 (i)	10 (j)	.34
OR	Office research	80	100 (i, k)	42 (k)	42 (k)	42 (k)	42 (i, k)	25 (n)	10 (j)	.40
C-1	Local commercial	45	40 (i, k)	10 (k)	22 (k)	25 (k)	25 (k)	50 (i)	7.5 (j)	—
C-2	General commercial	80	60 (i, k)	14 (k)	42 (k)	60 (k)	25 (k)	50 (i)	7.5 (j)	—
C-3	Shopping center commercial	80	100 (i, k)	42 (k)	52 (k)	100 (k)	50 (k)	25 (n)	10 (j)	.50
C-4	Highway commercial	80	100 (i, k)	42 (k)	52 (k)	60 (k)	50 (k)	25 (n)	10 (j)	.50
I-1	Limited industrial	45	50 (k, l)	30 (k)	60 (k)	60 (k)	25 (k)	(l)	5	.50
I-2	General industrial	80	50 (k, l)	40 (k)	60 (k)	100 (k) 16	25 (k)	(l)	5	.50

(Ord. of 3-21-2005, § 1800)

Sec. 2010. - Accessory buildings and structures.

Accessory buildings or structures that are accessory to the principal use of a zoning lot, except as otherwise permitted by this ordinance, shall be permitted as regulated in this section.

1. *General conditions.*

- a. Accessory buildings or structures are permitted only in connection with, incidental to and on the same lot with a principal building or structure which is permitted in the particular zoning district.
- b. An accessory building or structure must be in the same zoning district as the principal building and structure on a lot.
- c. No accessory building or structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building or structure may be placed on a lot without a principal building, structure or use.
- d. Buildings with less than 100 square feet of floor area are not considered accessory structures in terms of regulations by this ordinance.
- e. No more than two detached accessory buildings or structures shall be permitted on any lot.
- f. All accessory buildings must be permanently attached to either a concrete or treated wood foundation or rat wall.
- g. An accessory building, other than those defined in section 205, in any residential or commercial district shall be subject to the approval of the board of appeals. This includes conditions where an accessory building is proposed prior to the construction of the principal use building.

2. *Location requirements.*

- a. Where an accessory building or structure is physically attached to a main building it shall be subject to and must conform to all regulations of this ordinance applicable to main buildings.
- b. Accessory buildings or structures shall not be erected in any front yard nor in any side yard setback unless otherwise provided in this ordinance or unless the accessory building is 300 or more feet from the centerline of the road.
- c. A detached accessory building shall not be located within ten feet of any main building, nor shall it be located within one foot of an alley right-of-way.
- d. Detached accessory buildings or structures shall not be located within ten feet of any rear lot line.
- e. No accessory building may be erected in front of a single-family detached dwelling.

- f. An accessory building to be used as a garage and having similar building materials as the primary residence, may be erected in a side yard.
- g. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building or structure shall not be located within a setback which is equal to the front yard setback required of the lot to the rear of such corner lot. In no instance shall an accessory building or structure be located within ten feet of a street right-of-way line.
- h. On any corner lot or through lot, the setback requirements for main buildings from a street shall be applicable to accessory buildings or structures, unless otherwise provided.

3. *Size limitations.*

- a. Detached accessory buildings shall not occupy more than 900 square feet of the side yard. In the rear yard the area may increase 100 square feet for every ten feet of additional setback, provided that, in no instance shall the accessory building exceed 2,600 square feet.
- b. No detached accessory building or structure in any residential or commercial district shall exceed one story or 13 feet in height (see section 205 for definition of building height). If provisions of subparagraph 3.a. above are complied with, the height of the accessory building may be increased one foot for every ten foot increment of setback behind the principal residence, provided that, in no instance shall the height exceed 22 feet.
- c. Nothing contained herein shall be construed to affect the size of accessory buildings used in conjunction with a legitimate farming operation as defined in this ordinance, provided that all yard requirements area complied with.

4. *Regulations relating to accessory buildings or structures.*

- a. See article 19 regarding accessory off-street parking and accessory off-street loading and unloading.
- b. See section 2015 regarding accessory storage of recreational equipment or trailers.
- c. See section 2030 regarding entranceway structures.
- d. See section 2045 regarding waste receptacles.
- e. See section 2060 regarding accessory residential fences.
- f. See section 2130.1 regarding porches, decks, patios and gazebos.
- g. See article 24 regarding accessory signs.

5. *Condominiums.*

- a. Accessory buildings or structures in site condominium developments shall be subject to the requirements of this ordinance applicable to one-family residential lots.

- b. All other one-family residential condominium developments, attached or detached, shall be subject to the following requirements:
- (1) Accessory buildings or structures physically attached to a main building shall be located within the building envelope as depicted on the approved site plan and/or shall be subject to any of the minimum setback requirements applicable to main buildings.
 - (2) Detached accessory buildings or structures, including satellite reception antennas, shall not be located between a main building and a private road or street.

(Ord. of 3-21-2005, § 2010)