

Montrose Township Zoning Board of Appeals
Meeting Minutes
Thursday, January 27, 2022
6:00pm

The meeting was called to order by Chairman Ron Loafman at 6:00 PM.

The pledge of allegiance was recited.

Roll Call: Present: Dave Allard, Kevin Peterson, Fred Domine, Steve Schlicht, Ron Loafman, Don Pollard, and Bill McIlmurray Building Official

Absent: Kris O'Neal and Chad Wysocki

Meeting Minutes – 12/16/2021 Regular Meeting.

A **motion** was made by F. Domine, supported by S. Schlicht, to accept the Meeting Minutes from the 12/16/2021 regular meeting as presented. Motion Carried 6- 0

New Business: Public Hearing-Variance Request: Aaron Jacques, owner of the property located at 11417 W. Vienna Road, parcel number 13-20-100-029 is requesting a variance from Zoning Ordinance section 153.259 (D) Ponds must be located a minimum of 50 feet from all property lines, easements, streets, roads, and right-of-way. The Planning Commission may wave the required 50-foot setback requirement when the property or pond is enclosed by a minimum 4-foot-high fence. All gates shall be self-closing and have a self-latching device.

Aaron Jacques of 11417 W. Vienna Road addressed the Zoning Board. He states that he wants a pond not for draining but for fishing and swimming. Mr. Jacques stated his original plan for the pond was 100 x 100 and then he reduced it to 80 x 100 because he could not meet the 50-foot side yard setback requirements as stated in the ordinance. John Lund 11141 W. Vienna Rd, Montrose, MI 48457 spoke on behalf of Mr. Jacques in regard to the drainage of the property. Mr. Lund stated the property is very low and wet and unusable at this time. Mr. Loafman noted on the site plan some of Mr. Lund's property is included for use in the pond and the ZBA cannot approve that. D. Pollard asked if the property was 125 or 101 feet wide. The real estate summary sheet included in the ZBA pack shows it is 101 feet wide. Mr. Loafman stated you need 10 feet from the property line to put a road in. He does not feel the pond would fit. D. Pollard mentioned that there is a picture of a swale and asked if there is a swale on the property now or is the intent to put one in after the pond is dug? It is the intent to put one in after the pond is dug. Mr. Pollard asked if his intention is to use the pond for drainage why not dig a swale instead. This area is considered "wetlands" and the proper approvals have been granted through the State of Michigan through Michigan Environmental Great Lakes and Energy. B. McIlmurray stated the width of the property is causing the hardship and it is not self-inflicted. J. Lund stated that there were originally 40 acres on this property and residents-built houses thinking they knew where the property lines were but they were not correct. R. Loafman asked if Mr. Lund was to give Mr. Jacques enough property to meet the 50 ft setback required would he have to come back to the ZBA for approval? Mr. McIlmurray stated if he could meet the set-

back requirements then he would not need a variance. D. Pollard asked where the well and septic are located. Mr. Jacques said the septic system is in front of the house and the well is located about 100 feet behind the house. Mr. Loafman said if that was the case the well would be in the pond. Mr. Jacques believes it is actually 10 feet from the house. Mr. McIlmurray stated the property is irregular in shape and those particular lots create hardships with ponds and setbacks for agricultural buildings. D. Pollard stated he understands that but when you purchase a piece of property you should have known that you can't put a pond on it. The hardship isn't really there. The ordinance was there before he bought the property. Mr. McIlmurray stated that a variance is a mechanism for flexibility in a zoning ordinance, it's a way out for a property owner. Mr. Pollard stated that wanting a pond is not a hardship. F. Domine commented that by adding a pond he will be creating an additional hardship because he will not be able to access the back part of his property. R. Loafman stated that if there was a medical emergency there would be no access to the pond without going on someone else's property. K. Peterson asked if the property owner was given the additional property could he file a quick claim deed? Mr. Loafman said if that was to happen, he would need to come back in front of the ZBA with the new survey and land description.

A motion was made by R. Loafman made a **Motion** to deny the variance at this time. Support for the motion was given by D. Pollard. Roll call – K. Peterson (Y), D. Allard (N), F. Domine (Y), S. Schlicht (Y), D. Pollard (Y), R. Loafman (Y). Motion to deny variance carries. 5-1

Old Business None

Other Business None

Citizens Time None

Adjournment:

A motion was made by D. Pollard, supported by S. Schlicht, to adjourn the meeting at 6:28 PM.

Motion Carried 6 - 0.

The next regularly scheduled meeting will be held on Thursday, February 24, 2022

Respectfully,
Peggy Coomer
Recording Secretary