



PLAIN TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES

March 9, 2021

Chair, Richard Martin called the Plain Township Board of Zoning Appeals Meeting to order at 7:00 p.m. The meeting was held via video/teleconference.

ROLL CALL

Attending the Plain Township Board of Zoning Appeals meeting were Richard Martin, Valerie Jorgensen, Chris Barrett, Brad Martin, and Sara Rastegar. Zoning Officer Ben Collins and Assistant Zoning Officer Mary Fee were also present.

ADDITIONS OR CORRECTIONS TO AGENDA

The meeting minutes from February 9, 2021 will be reviewed and approved at the April 13, 2021 meeting.

APPROVAL OF MEETING MINUTES

None

RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

Leslie Fagen – applicant for 3755 Pine Meadow Road
Scott McClintock – Representative for 6926 Walnut Street

ZONING OFFICER'S REPORT

Mr. Collins stated that there was no new zoning news. Mr. Collins gave a brief update about the status of the aquatic center and indicated that the township was hoping to open this season.

NEW BUSINESS

Variance Application 03-09-2021-01 – 8244 Walnut Street – requesting variances under Section 427.01.3 to allow the applicant to install an automatic locking pool cover instead of a locking gate and fence; and Section 406.02 to increase the size of an accessory structure in excess of the permitted square footage.

Mr. Martin asked about the specifics of the automatic locking pool cover, if it was motorized. Mr. Collins indicated that staff would review and verify for the hearing in April. Mr. Martin asked if all paperwork was in order. Mr. Collins confirmed that the paperwork was in order.

Mrs. Jorgensen made a Motion to accept **Variance Application 03-09-2021-01 – 8244 Walnut Street** – requesting variances under Section 427.01.3 to allow the applicant to install an automatic locking pool cover instead of a locking gate and fence; and Section 406.02 to increase the size of an accessory structure in excess of the permitted square footage and schedule this case for public hearing on April 13, 2021 at 7:00 pm. Mrs. Rastegar seconded the motion. All in favor. Motion Carried.

Variance Application 03-09-2021-02 – 6926 Walnut Street – requesting a variance under Section 206.04.1 to allow the applicant to reduce the required lot size to 2.0 acres instead of the required 2.5 acres.

Mr. Martin recognized Scott McClintock, who is representing the owner of 6926 Walnut Street. Mr. McClintock stated that they have a piece of property that they are trying to develop within the existing zoning guidelines for the property. They are trying to establish 12 lots on the property. The site plan shows the existing wet lands and existing trees along the property line. They have done everything they can to retain the trees and wetlands throughout the property, and in doing so it caused an issue with Lot #6, on the south side of the cul-de-sac, which does not have the full 2.5 acres. 11 of the parcels are 2.5 acres or more and Lot #6 is at 2 acres. They are trying to maintain the existing features on the site and are only requesting a variance for that one lot. Mary confirmed Mr. Martin’s question asking if the paperwork was in order.

Mr. Brad Martin made a Motion to accept **Variance Application 03-09-2021-02 – 6926 Walnut Street** – requesting a variance under Section 206.04.1 to allow the applicant to reduce the required lot size to 2.0 acres instead of the required 2.5 acres and schedule this case for public hearing on April 13, 2021 at 7:00 pm. Mr. Barrett seconded the motion. All in favor. Motion Carried.

OLD BUSINESS

None

HEARING

Variance Application 02-09-2021-01 – 3755 Pine Meadow Road –requesting a variance to reduce the side yard setback.

Mr. Martin opened the hearing and swore in Mrs. Leslie Fagen, the applicant. Mr. Martin asked Mrs. Fagen to explain her application. Mrs. Fagen stated that the well and septic systems dictate where additions can be done on the property. In order to have access to the rear 3+ acres the applicant would like to switch her driveway to the southern side of her property. She is doing the home addition to accommodate her disabled brother who she will become the primary caretaker and legal guardian of when her parents no longer can. Her son is also non-verbal and the set-up is for safety reasons for him.

Mr. Martin asked if the driveway is involved in the variance or if it is strictly the lot lines. Mr. Collins stated that the application did not specifically reference the driveway curb cut, however the applicants drawing indicates 2 curb cuts, the existing one to the north and the proposed cut to the south. It has been the townships position that residential properties are only granted one curb cut, there are some grandfathered examples where that is not the case. In this subdivision, there was a second driveway curb cut, horseshoe driveway, permit that was applied for and denied. It is not clear

that the plat would prohibit it, but our zoning only provides for one driveway access. It would be appropriate for the board to consider that as part of the application. The variance to the 25' on the south boundary is minor, the plans indicate that it would be 23.4' to the property line. The north boundary line is more substantial, approximately 15'. The proposed driveway to the south would continue around the property to the rear and could provide access to the rear acreage.

Mr. Collins stated that after talking with the applicant, the current garage would be converted to living space and a new garage constructed to the rear as part of the addition. The front door would continue to be the primary entrance. Mrs. Fagen stated that a bus currently comes to her parents' home to pick up her brother and that due to the fact that the street is not wide and there are no sidewalks; and that there is no direct access to the front door, multiple cars and therapists who come 3x a week, was the reasoning for the horseshoe driveway. Due to the well, it is too tight to do a circle in the front yard. Mr. Martin asked if there were any other double cuts in the neighborhood. Mr. Collins stated not in the Pine Meadow subdivision. Mrs. Fagen stated that her neighbor who is not in the neighborhood has one. Mr. Collins stated that the neighbor's curb cuts were on 2 different roads, Morse Road and Pine Meadow Road. Mr. Barrett asked about the bus being able to utilize a turnaround. Mrs. Fagen stated that it would be a short bus that picks up and that she was not sure. Mrs. Rastegar asked about the 10' easement to the south. Mrs. Fagen stated that the driveway itself would be about 10' wide and would not impact the easement. There are no flower beds or vegetation on the south side of the house. That side of the house faces the backs of the houses on Morse Road which are fenced. Mrs. Rastegar asked Mr. Collins if a driveway can be built on a utility easement. Mr. Collins stated that those easements at that location are primarily for storm water utilities so the township would not permit any construction or improvements on those easements.

Mr. Barrett asked if we would be looking at each instance. Mr. Collins confirmed that each variance should be looked at separately. The board should look at each of the variances and utilize the Duncan-Middlefield factors to determine on each request whether that request meets those criteria. There should be 3 motions and 3 separate votes. Mr. Collins reviewed the Duncan-Middlefield factors with the board.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Richard Martin made a Motion to Approve the Variance Application 02-09-2021-01 – 3755 Pine Meadow Road, requesting a variance to decrease the south side yard setback at 3755 Pine Meadow Drive from 25 feet to 23 feet 4 inches.

Sara Rastegar seconded the motion; a roll call vote was taken:

Richard Martin	Yes
Valerie Jorgensen	Yes
Chris Barrett	Yes
Brad Martin	Yes
Sara Rastegar	Yes

The motion to approve the application as stated above has Passed.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Richard Martin made a Motion to Approve the Variance Application 02-09-2021-01 – 3755 Pine Meadow Road, requesting a variance to decrease the north side yard setback at 3755 Pine Meadow Drive from 25 feet to 15 feet.

Sara Rastegar seconded the motion; a roll call vote was taken:

Richard Martin	Yes
Valerie Jorgensen	Yes
Chris Barrett	Yes
Brad Martin	Yes
Sara Rastegar	Yes

The motion to approve the application as stated above has Passed.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Valerie Jorgensen made a Motion to Approve Variance Application 02-09-2021-01 – 3755 Pine Meadow Road, requesting a variance to construct a second driveway access on the property at 3755 Pine Meadow Drive.

Sara Rastegar seconded the motion; a roll call vote was taken:

Richard Martin	No
Valerie Jorgensen	Yes
Chris Barrett	No
Brad Martin	No
Sara Rastegar	Yes

The motion to approve the application as stated above did not Pass.

ZONING TRAINING WITH BROSIUS, JOHNSON & GRIGGS, LLC

Virtual training with the township legal council followed the hearing.

BOARD MEMBER COMMENTS

None

PUBLIC COMMENTS

None

ADJOURNMENT

Mr. Richard Martin adjourned the meeting.

The regularly scheduled public meeting of the Plain Township Board of Zoning Appeals was adjourned.

****AS APPROVED****



Ben Collins
Zoning Board of Appeals Secretary