

**LENOX TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 16, 2016**

A meeting of the Lenox Township Zoning Board of Appeals was held on Wednesday, March 16, 2016 at the Lenox Township Hall, located at 63775 Gratiot Avenue, Lenox, Michigan 48050.

1. CALL TO ORDER:

Chairperson Stremersch called the meeting to order at 7:05 PM.

Present:	Chuck Stremersch: Chairperson	Jodi Kethe: Secretary
	Margaret Heimes: Vice Chairperson	Chuck Geisler
	Kirk Flood	Dave Birchler: Township Planner (by speakerphone)
	Other: 6	

2. APPROVAL OF PREVIOUS MINUTES:

Motion by Heimes supported by Geisler to approve the minutes of February 10, 2016.

All Ayes

Motion Carried

3. APPROVAL OF AGENDA:

Motion by Heimes supported by Geisler to approve the agenda.

All Ayes

Motion Carried

4. PUBLIC NOTICE

(A) Alvin Harms . 31077 29 Mile Road

Kethe read the Public Notice aloud.

Chairperson Stremersch vacated his chair and turned the meeting over to Vice Chairperson Heimes.

Clerk Kethe recused herself as she is an adjacent property owner.

5. UNFINISHED BUSINESS:

None

6. NEW BUSINESS:

(A) Alvin Harms – 31077 29 Mile Road

Alvin Harms explained that he has been using the building for manufactured burial vaults and storage. At this time he would like to sell the property, let them move in, and use it for storage and their building company to store their equipment in the building.

Kevin Kazmierczak identified himself as co-owner of Mid Thumb Construction.

Vice Chairperson Heimes inquired how many trucks would be going in and out of the property on a daily basis.

Kazmierczak asked what kind of trucks- pick-up trucks, semi-trucks?

Heimes replied that she had no idea of what would be used there.

Kazmierczak responded that there would be no semi-trucks of any nature. Daily there would be one to two pick-up trucks.

Heimes asked if these would be for loading and unloading?

Kazmierczak replied that no, these would be just personal vehicles.

Heimes inquired what they are going to store there?

Kazmierczak responded ceiling tile, storage containers, (gang boxes).

Heimes asked what the business is?

Kazmierczak explained they install metal stud drywall as well as acoustical ceilings.

Heimes questioned how many employees he has?

Kazmierczak responded four including himself and his business partner.

Heimes inquired what hours they would be going in and out of the building?

Kazmierczak replied 7:00 AM . 3:00 PM. but not every single day. It could be one or two days out of the week, as needed.

Heimes asked if the well has been tested by Macomb County Health Department?

Kazmierczak responded that yes, the well has been tested.

Heimes questioned if the water is safe and if there is potable drinking water?

Kazmierczak replied that he has to supply drinking water, such as from a water jug. Macomb County requires that he post a sign that the well water is not drinkable.

Heimes reiterated that Macomb County is saying that the water is not safe for drinking?

Kazmierczak is unsure. He approached Heimes and submitted a piece of paper.

Heimes explained that what he handed her was a sewage permit.

Kazmierczak said that the County looked at the well too. It is required that a sign be posted that the water could be used for toilets but it is not drinkable.

Birchler summarized that he understands that the water can be used for flushing the toilets but it is not suitable for drinking. They would need to provide a separate source of drinking water such as bottled water.

Heimes said that the sewage permit expired in January and wondered if the County would renew it.

Birchler assumed they could get it renewed.

Heimes inquired if they are planning to install a separate septic system on the property?

Kazmierczak answered yes, that is their intention.

Heimes questioned if the setbacks could be met from the building and the property lines.

Kazmierczak believes yes, the setbacks can be met.

Geisler inquired if they would be putting any type of screening across the front by the fence?

Kazmierczak replied yes, they are planning on putting trees so no one can even see into there.

Flood requested clarification that they are not a heavy construction company, such as earth moving, and there would not be any bulldozers, excavators, equipment trailers, etc. that would be on site.

Kazmierczak acknowledged that he has three little man lifts.

Flood commented that if the Zoning Board of Appeals were to approve this variance, there must be some restrictions, such as stating that there would not be any semi-trailers or earthmoving equipment on site in the future.

Kazmierczak stated that they have a trailer there for storage but nothing that would be pulling in and out.

Birchler suggested the Zoning Board make a conditional approval.

Heimes inquired if they were going to have any storage of waste?

Kazmierczak responded that they have a dumpster that is dumped bi-weekly.

Birchler replied that as long as it is enclosed that would be acceptable. He stated that the Township would want to restrict the expansion size of their building, as well as placing a condition that if there are any outstanding issues with the Building Department that they would have to clear that up with the Building Department.

Heimes inquired if there are any questions from anyone. She also stated that the Township received a letter from a concerned resident and wondered if that should be read.

Birchler said it would be good to know what the concerns were to see if they will be alleviated by the conditions.

Heimes replied that the concerns have pretty much been answered by the questions that have been asked.

Heimes closed the Public Hearing at 7:20 PM.

Motion by Heimes supported by Flood to approve the variance to Lenox Township Ordinance 2-93 Section 2104C and Section 2108 from Class B Non-Conforming Use to Class A Non-Conforming Use based upon the following six conditions:

1. A total clean-up of the exterior of the site, including removing debris, materials and supplies, and the trimming and removal of overgrown brush, weeds, and landscaping.
2. Meet all required Township Building Codes as well as all Fire Codes.
3. Install an on-site septic system, in conformance with Township and Macomb County Health Department standards.
4. Assurance of the availability of an adequate on-site water supply.
5. Assurance that no outside storage of equipment, product, or supplies (except vehicles necessary to the operation of the business), would be displayed on site.
6. Provide adequate landscape screening of the outdoor parking area along 29 Mile Road, to maintain the residential character of the neighborhood.

All Ayes

Motion Passes

Heimes inquired if they should come in and see the Building Department?

Birchler responded that the owners have a number of things to do, but certainly making sure there are no outstanding issues with the Building Department is one, getting the septic system installed is another, planting the greenbelt that is required. Going through those one at a time until they have completed all the conditions before this Zoning Board of Appeals approval takes effect. Since it is subject to those conditions, it would not take effect until he complies with each and every condition.

Heimes detailed that the Zoning Board of Appeals by-laws state that the petitioners have one year from the date that a variance is granted to comply, and wondered if a condition could be set at six months.

Birchler answered that yes, he believes the Board of Appeals has that prerogative.

Heimes stated that she would like to make that a part of the motion that they have six months

from today to complete what has to be done on-site. She understands that some things have been done that have not been inspected by the Township.

Kazmierczak said that the Building Inspector walked through the building and he did everything Bob wanted changed back a year ago.

Heimes remarked that nothing was definitely approved.

Kazmierczak answered that he doesn't know.

Heimes commented that she believes the first thing they should do is check with the Building Department and have the new Building Inspector go out and look at it and whatever Bob said should be done has been done.

Kazmierczak questioned if the variance does not take effect until he does these requested items; cut the trees back, etc?

Heimes explained that is correct, you have to demonstrate that you are doing what the Zoning Board of Appeals is asking.

Kazmierczak inquired if he could have a copy of the conditions. He asked if the petitioners find that they have objections to the conditions, could they can bring them to the Board's attention and if they are negotiable.

Heimes explained that they pretty much are set.

Kazmierczak remembered that it was stated that they didn't want anything to be added on to the building, but wondered if he could remove the one part of the building by the road, so it looks better, adding on to the back.

Birchler answered that that decision would be up to the Zoning Board; he would think that could not be done unless that portion of the building would comply with setback requirements.

Kazmierczak remarked that they are fine with leaving it how it is, he just thought it would look nicer. He said he will just repaint it.

Heimes stated that the variance has been approved.

7. PUBLIC COMMENTS

None

8. COMMUNICATIONS / REPORTS

None

9. ADJOURNMENT

Motion by Flood supported by Geisler to adjourn the Lenox Township Zoning Board of Appeals meeting at 7:30 PM.

All Ayes

Motion Carried

Respectfully submitted,

Respectfully submitted,

Jodi Kethe, Secretary

Karen Kaltz, Recording Secretary