

**AGENDA
CITY OF SWARTZ CREEK
ZONING BOARD OF APPEALS
WEDNESDAY, NOVEMBER 20, 2019
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Commissioners: Gilbert, Packer, Plumb, Smith, Stephens.
Alternates: Wyatt, Fountain
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**

	Page
A. Resolutions	02
B. Minutes October 16, 2019	03-06
C. Meeting Staff Letter	07
- 7. MEETING OPENED TO THE PUBLIC:**
- 8. VARIANCE APPLICATION:** None
- 9. OTHER BUSINESS:** None
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. ADJOURNMENT:**

**RESOLUTIONS
CITY OF SWARTZ CREEK
ZONING BOARD OF APPEALS
WEDNESDAY, NOVEMBER 20, 2019
6:00 P.M.**

Resolution No. 191120-01

(Carried/Denied)

Motion by Boardmember _____, support by Boardmember _____, the Swartz Creek Zoning Board of Appeals approves the agenda for the November 20, 2019 ZBA meeting.

YES: _____.

NO: _____. Motion declared carried/denied.

Resolution No. 191120-02

(Carried/Denied)

Motion by Boardmember _____, support by Boardmember _____, the Swartz Creek Zoning Board of Appeals approves the minutes for the October 16, 2019 ZBA meeting.

YES: _____.

NO: _____. Motion declared carried/denied.

Resolution No. 191120-03

(Carried/Denied)

Motion by Boardmember _____, support by Boardmember _____, the Swartz Creek Zoning Board of Appeals adjourns the November 20, 2019 Zoning Board of Appeals meeting.

YES: _____.

NO: _____. Motion declared carried/denied.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE ZONING BOARD OF APPEALS
OCTOBER 16, 2019**

The Regular Meeting was called to order at 6:05 pm by Chairman Packer in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board members Present: Packer, Gilbert, Smith & Stephens.

Alternates Present: Fountain (Participating).

Board members Absent Plumb & Wyatt.

Staff Present: Adam Zettel.

Others Present: Alan Jory, Mike Dunsire, Jack Tanner, Maynard T. Boyd, Andrew Williams, Dan & Kelly Frick, Frank Brittain.

APPROVAL OF AGENDA

Resolution No. 191016-01 **(Carried)**

Motion by Board Member Gilbert
Second by Board Member Stephens

The Swartz Creek City Zoning Board of Appeals hereby approves the Agenda of the Regular Board Meeting of October 16, 2019 as printed.

Unanimous Voice Vote
Motion declared carried

APPROVAL OF MINUTES:

Resolution No. 191016-02 **(Carried)**

Motion by Board Member Fountain
Second by Board Member Smith

The Swartz Creek City Zoning Board of Appeals hereby approves the Minutes of the Regular Board Meeting August 21, 2019 to be approved.

Unanimous Voice Vote
Motion declared carried

Meeting Open To The Public: No comments.

VARIANCE APPLICATION:

58-03-400-013; Vacant Land-Seymour Road

Adam Zettel, City Manager, reviewed the discussion from the August meeting and the reason for the discussion being postponed and continued discussion tonight.

Al Jory, owner of vacant land-Seymour Rd, answered concerns about the water backup from the August meeting. He had Flint Survey out and reviewed the results.

Board Member Stephens commented that the gate on property has been opened for several days that he is aware of and wonders how Mr. Jory is going to keep out dumping on the property.

Mr. Jory is going to put a new lock on, that should help. No other company will be allowed, as in past, to dump on this property.

Andrew Williams, 9159 Norbury Drive, he is still concerned about flooding and opposes this.

Frank Brittain, 9143 Norbury Drive, concerned with the maintaining of the creek. He opposes this variance. Tandem trucks do travel down Norbury to dump on this site.

Mr. Jory replied that the tandem trucks traveling down Norbury Drive were Dawes Construction trucks not RBF Construction.

Mr. Zettel commented that since the last meeting the City gave verbal permission to seed the north side of the hill using top soil. Not for the explicit dumping or storing fill of any material on that site.

Mr. Jory would be willing to post a performance bond for \$20,000, if necessary.

Resolution No. 191016-03

(Carried)

Motion by Board Member Smith, support by Board Member Stephens, the Swartz Creek Zoning Board of Appeals makes the following findings in relation to the use variance application for vacant land on Seymour Road, PID 58-03-400-013:

1. The site is unique because it does not have practical access to required water or sewer utilities, making it unable to support primary uses in the single family zoning district.

2. The peculiarities of the property are not generally applicable in the community, which generally provides such utility access.
3. The hardships, including the lack of utilities, are not created by the owner and are not expected to be rectified in the foreseeable future.
4. Public infrastructure and services, with the exception of the initial impact on Seymour Road, will not be significantly compromised.
5. The variance request otherwise meets expectations for a use variance as enumerated in the current codification of Zoning Appendix A Section 22.06B.
6. Because of perceived effect on neighborhood the total cubic yards that will be approved will change from 6,670 cubic yards to 4,700 cubic yards, to be placed as much as possible to the south side of the property away from Norbury.
7. Renewal of the soil erosion permit prior to any additional usage.
8. No structures to be built on the property unless the City provides a permit.
9. Northside is to be addressed in terms of proper slope and landscaping as the City deems necessary.
10. Performance Bond be held by the city and an amount to be determined by the City.

Yes: Smith, Stephens, Packer.

No: Gilbert, Fountain. Motion declared carried.

OTHER BUSINESS: None.

Meeting Open To The Public:

Andrew Williams, 9159 Norbury Drive, disappointed.

Adjourn

Resolution No. 191016-04

(Carried)

Motion by Board Member Fountain
Second by Board Member Gilbert

I Move the Swartz Creek Zoning Board of Appeals adjourns the October 16, 2019 ZBA meeting.

Unanimous Voice Vote
Motion declared carried

The board unanimously declared the meeting adjourned at approximately 7:42 p.m.

Swartz Creek Zoning Board of Appeals
Draft Minutes: October 16, 2019

Ronald Smith
Secretary



Where Friendships Last Forever

Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: November 12, 2019

To: Zoning Board of Appeals
From: Adam Zettel, AICP
Subject: November 20, 2019 ZBA Meeting

Hello everyone,

The Zoning Board of Appeals shall convene at 6:00pm on Wednesday, November 20, 2019 in the city council chambers of the Paul D. Bueche Municipal Building.

The sole purpose of this meeting is to approve the minutes from October. We are doing so because the board made a formal decision by granting a conditional variance. As such, the minutes serve as the official writing record of that decision. Note that I have not been contacted by the petitioner since that meeting or observed any work at the site.

Unfortunately, I am also passing along the resignation of Mr. Stephens. Doug has been an integral part of the community planning and zoning works for over three decades. He has been serving on the planning commission and ZBA, helping to create the vision and work out details of the community's change. However, he will not be continuing after the New Year. Thanks for your service Doug!

If you have any questions or have comments, please contact the city office or send me an email. I shall see you at the meeting.

Sincerely,

Adam H. Zettel, AICP
City Manager
City of Swartz Creek

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