

Village of Armada

## ZONING BOARD OF APPEALS HEARING

Village of Armada  
Public Meeting Room  
74274 Burk Street, PO Box 903  
Armada, Michigan 48005

### MINUTES 11/02/17

#### ZBA PUBLIC HEARINGS (3)

CALL TO ORDER: Chairman Boelke call to order @ 7:00 PM

ROLL CALL: Present – Adair, Boelke, Clark, DePalma, St. John (all present)

CHAIRMANS ADDRESS: Boelke gave short introduction to the content of this meeting and the 3 Public Hearings for Willson, Sturdavant and Barfell.

#### GENERAL BUSINESS:

Approval of Agenda: Motion by Clark / Support by St. John AP. Motion carried.

Approval of 10/26/17 Workshop minutes: Motion by Clark / Support by DePalma. AP – Motion carried. 5/0

7:05 PM Boelke asks for motion to go out of regular meeting and open Public Hearing.

Motion by Adair / Support by Clark to open the first Public Hearing for CASE #JA002-17 Shane & Kelsey Willson. 74100 Crull Street. Variance request : Article 5: Sec. 5.101 LOT STANDARDS / SETBACKS. Motion carried 5/0.

Building official has referred applicant to ZBA for variance of front yard set-back.

Applicant spoke as to the nature of this variance request and addressed the information provided.

Applicant is putting on a 2-story addition and wrapping porch on the west front and south side of the existing home. Applicant has provided full drawings as well as picture reference as to where the addition will extend into the 20' required front yard set-back. Their request for the variance is directed to the front yard only. The side dimensions do not encroach into the side yard set-back. Village of Armada Zoning Ordinance does allow an unenclosed porch or awning (ZBA board reviewed ordinance Sec. 5.204-B / PORCHES, DECKS AND PATIOS, and definition of porch enclosure) to encroach into the set-back no further than 8 feet. Per the drawings, measurements and blue prints provided by the owner, the addition would exceed that by approx. 1.5 feet. Discussion with owner concluded that owner is willing to take measurement to assure that the porch front is either made smaller by 1.5 feet or recess the angled stairs into the footprint of the porch floor by 1.5' or re-arrange the stairs to the south side of the porch into the side yard as opposed to the front

Boelke calls for questions from the floor: None

Boelke calls for questions or comments from the board: No further discussion.

7:17 MOTION BY: Clark / Support by St. John to go out of Public Hearing and re-enter General meeting. Motion carried 5/0

Motion by Adair / To approve the variance request provided applicant reviews the options with the building official (present at this meeting) that will bring the encroachment within the allowable 8' as provided in

Article 5 Section 5.204 B of the Village Zoning Ordinance. Also that there is a clear understanding that the porch is to remain unenclosed with the exception of screening. Building official will inform ZBA secretary of the chosen option and building permit approval. SUPPORT BY: DePalma Motion carried 5/0

7:19 PM Boelke asks for motion to close General meeting and open 2<sup>nd</sup> Public Hearing

MOTION BY: Adair / SUPPORT BY: St. John

To go out of the General meeting and open the 2<sup>nd</sup> PUBLIC HEARING for CASE#JA003-17 SUSANNE STURDAVANT – Variance request to Article 6 Sec 6.103 KENNELS & ANIMAL SHELTERS SET BACK REQUIREMENTS. Motion carried 5/0

Applicant has been directed to the ZBA board by the Planning Commission because the kennels are only 252 feet from the existing house and the Ordinance requires a 500 ft setback.

Boelke asks applicant to explain the nature of her request and any options for conforming. This property was previously used as a veterinary clinic since approximately 1955 which was prior to the village establishing a Planning Commission or a Zoning Ordinance. She is using existing buildings as well as small portable kennels and runs in the rear of the mail building. It would not be conceivable or cost effective to remove the main building and rebuild further back.

Boelke asks for questions from the floor. Resident Tenisha Cleveland (lives next door) asks what precautions were being taken to ensure that dogs do not escape the confines of the kennels and was it wise to approve such a business in a residential environment. Applicant gave a detailed explanation to the resident of all conditions and precautions that she has in place for the safety of residents as well as the dogs. Ben Delecke stated that those issues are off topic for this hearing as her business approval has already been determined at the Planning Commission level and that this hearing is specifically for the variance to the 500 ft set-back rule.

Boelke asks if there are further comments from the floor. None

Boelke asks for additional comments from the board. None

7:30 PM MOTION BY: Clark / SUPPORT BY: St. John to close the Public Hearing and return to the General meeting. Motion carried 5/0.

Boelke asks for further board comments or a motion in regard to this variance.

Adair states that this application fits the justifiable criteria for approval per the ZBA conditions of approval as basically

1. The need for the variance is due to unique circumstances or physical conditions of the property that do not apply generally to the other properties in the surrounding area, and is not due to the applicant's personal or economic hardship.
2. The need for the variance is not the result of action of owner or self created.
3. That compliance with existing set-back standards in this case would prevent the property owner from using the property or would make conforming unreasonably burdensome.
4. That the variance would not cause an unfavorable impact on the surrounding property values or adverse conditions in the community.

MOTION BY: Clark / SUPPORT BY: DePalma

To approve the variance request to Article 6, Sec. 6.103 Design Standards for specific uses Chapter 1. Motion carried 5/0.

Boelke asks for a motion to go out of General Meeting and into the 3<sup>rd</sup> Public Hearing

7:34 PM MOTION BY Clark / SUPPORT BY: St. John

To open Public Hearing for CASE # JA001-17 Cheri Barfell – Variance request to Section 13.09 Prohibited Signs. Motion carried 5/0.

Applicant – Cheri Barfell received a citation from the Village of Armada for use of prohibited signs. She was referred to the ZBA by Village Attorney, Don DeNault.

Boelke asks applicant to explain the nature of her request and the need for the variance.

Barfell began with contesting that the blade flags in question were not prohibited signs and were needed for her business. The signs do not promote her business name or type, rather a product offered. Boelke refers to Section 13.09 F of the Village of Armada Zoning Ordinance state that "Signs that have any visible moving parts, mechanical movement or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents, except for decorative displays as defined by this Ordinance" shall not be permitted in any zoning district.

Barfell refers to a document in her possession as identified by her as a "Doctrine of harmonious construction" that says the flags are permitted. The board is not familiar with such document, a copy was not presented to the board. Applicant argues that people can not find her business or that of her tenants. Adair asked if there are business signs for each business? Barfell states there are signs in windows on 1<sup>st</sup> and 2<sup>nd</sup> floor as well as directories at each entrance. Adair offers that signs can be very noticeable on the overhead awnings as numerous businesses in town have done. Barfell says she has 3 awnings and 5 tenants. She also added that this type of hassle is why all the businesses in town are leaving as the Village will not work with the businesses. Adair asked applicant if she has ever gone to the Planning Commission to seek advice or apply for a permit? Barfell responded that she had come to the Village (no other identification offered) and was told that she could not have any signs of any kind. The Planning Commission chair is standing behind her and stated that her comment was not true. Clark and Adair are Village Council members and added that she had not come to the Village Board either. Barfell offered no contradiction to these statements. Boelke suggests she apply for a legal permit and utilize signage that is permitted as, at this point there has been no evidence presented that would support a significant hardship or other condition.....Barfell interrupts and says she will bring them to the exterior of the front door. Still, not permitted.

7:47 PM Clark makes a motion to move out of the Public Hearing / SUPPORT BY: St. John Motion carried 5/0.

MOTION BY: Clark / SUPPORT BY: St. John

To deny the applicants request for a variance to Section 13.09 Prohibited Signs as no evidence has been presented other than applicants desire to use the blade signs that would warrant approval of the request. Motion carried 5/0

Barfell states that she will see the Village in Court. She also added that this is why there are empty businesses everywhere. Boelke corrects her that there are actually no empty business spaces in town. Ben Delecke offers further information to applicant that there is a formula for commercial signage that could be helpful to her is she cared to make an application to the building official to find out what types of signage she can use and what ones would work best for her. She said she would get with Dennis (bldg. official). She also added that many of the businesses are signing a petition to turn into the Village. She said she had no knowledge of why or what the content of the petition is.

ADDITIONAL MEETING COMMENTS: Clark suggests that only one ZBA case is heard at a time in the future.

CITIZENS COMMENTS: None  
COMMENTS FROM THE BOARD

ADJOURNMENT : MOTION BY Clark/ SUPPORT BY: DePalma to adjourn at 8:15 PM  
Motion carried 5/0

Minutes submitted by Acting Secretary : Jo Adair

Village of Armada  
**ZONING BOARD OF APPEALS WORK SHOP**

11/02/17  
Approved  
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Village of Armada  
Public Meeting Room  
74274 Burk Street, PO Box 903  
Armada, Michigan 48005

Thursday, 10/26/17  
7:00 PM

**AGENDA MINUTES 10/26 MTG**

CALL TO ORDER: By Boelke at 6:10 PM

It was noted that the Agenda was posted with the wrong time for this meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL: (alphabetical) ADAIR (P/A) BOELKE (P/A) CLARK (P/A) DePALMA (P/A) ST JOHN (P/A)

NOTE: Adair asks DePalma if he wanted to do the secretary duties for this meeting, DePalma states he would rather observe the process. Adair takes the duties of secretary for this meeting.

APPROVAL OF AGENDA: MOTION BY Clark SUPPORT BY St. John (AP) AA

CHAIRMAN'S ADDRESS: This meeting/ WORKSHOP is for the purpose of review of Village of Armada Ordinance book / ZBA meeting procedures and information resources for future meetings and reference.

**GENERAL BUSINESS:**

APPROVAL OF MINUTES 9/28/17 Mtg MOTION BY: Adair SUPPORT Clark (AP) AA

Motion Carried / Failed (Reason for failed vote \_\_\_\_\_)

**REVIEW OF ORDINANCE BOOK** – Questions / Answers / Research resources, case files. Additional questions and answers regarding meeting procedures were discussed. Chairman Boelke produced a summary sheet of ZBA authority, rules and procedures for the boards review.

**ADDITIONAL AGENDA ITEMS:** There is no other business on this agenda.

**CITIZENS COMMENTS:** No citizens present

**COMMENTS FROM BOARD:**

**MOTION TO ADJOURN:** Motion by: Clark Support by Adair MOTION Carried / Failed  
(Reason for failed vote \_\_\_\_\_)

**MEETING ADJOURNED AT** 7:39 PM

Minutes submitted by: Joel Adair Date 11/02/17