

JONESFIELD TOWNSHIP ZONING BOARD OF APPEALS

Applicant: Lee and Beverlee Glazier of 1895 N. Fenmore Road, Merrill, Michigan 48637

Requests for Variance: A non-use dimensional variance requests was submitted to the Zoning Board of Appeals (#2020-001A) related to a Special Use Permit submitted by Lee and Bev Glazier who are requesting a permit for sand mining under the Townships Zoning Ordinance Section 612(p) that governs Natural Resource Extraction for sand, gravel, and topsoil removal. The variance request from the Zoning Board of Appeals is for the provision of 100 feet required setback to any property line or road right-of-way line. The common property lines between the two properties described below that are the subject of this variance request belong to the applicants. The property is zoned A-2 Farming and Rural Residential. The drives to the property are located approximately 2700 feet south of O'Hara Road on Meridian Road.

Property Number #1: 17-12-1-21-3001-000

Described as: N ½ OF SW FRL ¼ EXC S 20 ACRES THEREOF ALSO EXC N 750 FT OF S 1080 FT OF W 300 FT 53.22 ACRES SEC 21 T12N R1E

Property Number #2: 17-21-1-21-3001-002

Described as: N 750 FT OF S 1080 FT OF W 330 FT OF N ½ OF SW FRL ¼ 5.16 ACRES SEC 21 T12N R1E

The ZBA heard a presentation by the applicant requesting the variance.

Mr. Glazier stated that he is asking that the 100 ft. setback required by the Townships Zoning Ordinance Section 612(p) be waived for the property lines that are common to the properties above. He owns both parcels and wants to remove the sand from an area that overlaps both of his parcels. He meets the setback requirements from the north and the south and from the centerline of Meridian Road.

Mr. Glazier further stated that he understands that the Zoning Board of Appeals as a governing body must meet the court established standards for non-use dimensional variances by the applicant demonstrating "practical difficulties" if the variance is not granted. He offered the following two reasons why he meets these criteria:

1. The larger parcel, 17-12-1-21-3001-000 is currently in P.A. 116 to ensure the preservation of farmland. P.A. 116 requires at least 51% of the parcel must be farmland as opposed to woodland or the future sand excavation pond. Therefore, by having the majority of the sand excavation of the smaller parcel and clearing sufficient woodland from the east side of the larger parcel, P.A. 116 eligibility and the resultant farm preservation is possible.
2. He stated that if he were to combine the parcels to eliminate the requested variance, he would lose P.A. 116 eligibility because of the 51% rule.

Public Comments on Variance Request:

Jim Grey said he reviewed the requests and recommended that the variance request be granted. Dick Blumer asked for clarification on which property lines would be effected. The applicant stated that the east small parcel property line that is shared by the west large parcel line is where the variance is needed.

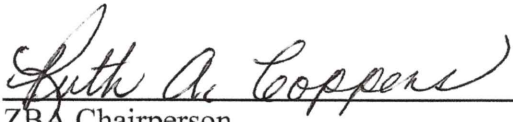
Findings of Fact: The ZBA makes the following findings based upon the Ordinance, as well as information and comments received in the submitted materials and at the public hearing:

1. The variance request for property line setback are internal to the property and are owned by the applicant.
2. Granting the variance keeps farmland within the township preserved under the P.A. 116 program.
3. Public safety and welfare of Jonesfield Township residents will not be affected.
4. Property owners in the township will continue with the preservation and enjoyment of their property rights.
5. When the excavation is complete, Mr. Glazier will restore the property appearance with tree planting and berms between Meridian Road and the pond.

Based on the record and on its exercise of judgment, Larry Tibbits moved to accepted the proposed written decision approving the variance requests submitted by Lee and Bev Glazier to vary the 100-foot setback required from the shared property line between Glazier's two parcel included in his related Special Use Permit application to zero, with the condition that Glazier must receive SUP and site plan approval for the proposed use. Seconded by Richard Bluemer.

Roll Call Vote of ZBA Members:

Yes Bluemer
Yes Tibbits
Yes Coppens



ZBA Chairperson

The ZBA Chair certifies that the ZBA membership voted unanimously to approve the above decision.




ZBA Chair/Authorized Member

Dated: October 6, 2020

CERTIFICATION

I, the duly sworn Secretary of the Jonesfield Township Zoning Board of Appeals, certify that on this date I witnessed the signature set forth above and attest to the accuracy of this Decision, which was approved by the Zoning Board of Appeals at a duly scheduled and posted public meeting on October 6, 2020.



ZBA Secretary

Dated: October 6, 2020