ATLAS TOWNSHIP, MI

ZONING BOARD OF APPEALS

AGENDA • WEDNESDAY, OCTOBER 28, 2020

Regular Meeting | **Virtual Meeting** | **7:00 PM**

as permitted by Public Act 0228 of 2020
To Participate: Join Zoom Meeting by video conference or telephone
Login to: https://zoom.us/j/93427698515?pwd=aHM2M09RY3FKSFRXU1AwMEJwemxEQT09
or dial: 1 312 626 6799 US

Meeting ID: 934 2769 8515
Passcode: 007386

Contact the Clerk's Office if you need any assistance
www.atlastownship.org
(810) 636-2548

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1. CALL MEETING TO ORDER

2. ROLL CALL

3. STAFF PRESENT

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

5.1) July 24, 2019 Zoning Board of Appeals Meeting Minutes

6. PUBLIC COMMENTS

7. UNFINISHED BUSINESS

8. NEW BUSINESS

8.1) PUBLIC HEARING REQUEST FOR A VARIANCE; ZBA 20-01 TODD AND JENIPHER GUERIN, PETITIONERS

8.2) PUBLIC HEARING REQUEST FOR A VARIANCE; ZBA 20-02 DALE MILLER, PETITIONERS

8.3) Consider Request for Variance ZBA #20-01

8.4) Consider Request for Variance ZBA #20-02

9. PUBLIC COMMENTS

10. REPORTS

11. BOARD COMMENTS

12. ADJOURNMENT

Note: 1) Each person addressing the board is asked to voluntarily state their name and address for the record.
2) Three (3) minutes will be allowed for an individual addressing the board. Each individual present will be allowed an opportunity to address the board.
3) Please refrain from being redundant.
4) All comments are to be directed to the chair.

PHYSICALLY CHALLENGED PERSONS NEEDING ASSISTANCE OR AID AT ANY PUBLIC MEETING OR PUBLIC HEARING SHOULD CONTACT THE ATLAS TOWNSHIP CLERK AT 810-636-2548 DURING REGULAR OFFICE HOURS, NOT LESS THAN SEVENTY-TWO (72) HOURS PRIOR TO THE PUBLIC MEETING OR PUBLIC HEARING.

ATLAS TOWNSHIP, MI

ZONING BOARD OF APPEALS

MINUTES • JULY 24, 2019

Regular Meeting **Goodrich Library** **7:00 PM**

10237 Hegel Rd., 2nd Floor Meeting Room, Goodrich, MI 48438

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Joel Mallery	ZBA Member	Present	
Dan Richardson	ZBA Member - 1st Alternate	Excused	
Craig Berry	ZBA Chairman	Present	
Rick Misek	ZBA Member	Present	
Ann Marie Moore	ZBA Member/Ex Officio	Excused	
James Sweet	ZBA Member	Present	

Noted four members present, Applicant wishes to proceed.

II. STAFF PRESENT

Katie Vick, Recording Secretary
Adam Young, Wade Trim Planner

III. APPROVAL OF AGENDA

1. Approval of Agenda

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Misek, ZBA Member
SECONDER:	James Sweet, ZBA Member
AYES:	Mallery, Berry, Misek, Sweet
EXCUSED:	Richardson, Moore

IV. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Jun 26, 2019 7:00 PM

RESULT:	**ACCEPTED AS AMENDED [UNANIMOUS]**
MOVER:	Rick Misek, ZBA Member
SECONDER:	James Sweet, ZBA Member
AYES:	Mallery, Berry, Misek, Sweet
EXCUSED:	Richardson, Moore

Page 3, Line 93 - change "practically" to "practical"

V. PUBLIC COMMENTS

None

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

VIII. CONSIDER REQUEST FOR VARIANCE FOR ACCESSORY BUILDING IN THE SIDE YARD WITH ROAD FRONTAGE, APPLICANT ERIK PINKELMAN, 10276 FIELD STONE CT, PARCEL ID #02-32-400-026

Applicant Erik Pinkelman explained how he is looking to build a garage facing his driveway as he presented in his house plot plan with his variance application.

There is road frontage on 3 sides of the property.

Chairman Berry opened up the discussion for comments from the public on this application.

Clifford Bicknell, 10298 Field Stone Ct. - Spoke in support of approving the variance request as presented.

Susan Steinhoff, 8325 Horton Rd. - Opposed to structure and approval of variance. Disagrees that tree line will block sight of the structure. Questioned direction door would face (west towards the house). How close would it be to the easement if the road were ever widened? Should it have to be behind the house?

Email between Clerk Vick and resident William Parker stating his support for the variance approval was read for the record.

Closed public input, began board deliberation.

R. Misek referenced Section 300.331.

Language in township ordinances is clear that road frontage is the side the road is on. Field Stone Ct. is determined to be the front.

Section 300.312 (D) covers Through Lots, Side Yards, and Corner Lots. This is a corner lot that is also a through lot.

Adam Young noted township ordinances do not define a "through lot" so the ZBA must interpret the intent. A common definition is "frontage on 2 (more or less) parallel streets."

Accessory Buildings can be in the side yard as long as they meet architectural requirements.

Consensus to address this case as a through lot parcel.

Discussion regarding vegetation and view from adjacent homes.

Section 13.03 (B)(3)
A. 3.75 acres is not unusual to have an accessory building.
B. 3/4 of the property has road frontage.
C. Determined north side of the property is considered side yard.
D. Meets Requirements.
E. Meets Requirements.

A. MOTION TO APPROVE ZBA 19-04 UPON THE FINDING THAT THE REQUESTED VARIANCE SATISFIES THE REQUIREMENTS OF SECTION 300.1303 PARAGRAPH 6A 1-5, AND FURTHER THAT THIS LOT SHOULD BE TREATED AS A "THROUGH" LOT UNDER THE ORDINANCE, AND STIPULATING THAT THE ARCHITECTUAL FEATURES WILL MATCH THE HOUSE PER SECTION 00.331 AND THE SIDE YARD SET BACK TO THE NORTH PROPERTY LINE IS MET.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Misek, ZBA Member
SECONDER:	James Sweet, ZBA Member
AYES:	Mallery, Berry, Misek, Sweet
EXCUSED:	Richardson, Moore

1/4 Section road right-of-way is 80ft.
County GIS map is reflecting 83.1ft.

*Corner pins must be found in order to be certain the structure is built within the approved boundaries.

IX. PUBLIC COMMENTS

None

X. BOARD COMMENTS

K. Vick provided a brief update of Township Board business in A. Moore's absence.

R. Misek reported there has been no Planning Commission meeting in June or July.

XI. ADJOURNMENT

1. MOTION TO ADJOURN

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Sweet, ZBA Member
SECONDER:	Joel Mallery, ZBA Member
AYES:	Mallery, Berry, Misek, Sweet
EXCUSED:	Richardson, Moore

Meeting Adjourned at 7:42pm.

AGENDA ITEM NO. 8.1

Item Cover Page

ZONING BOARD OF APPEALS AGENDA ITEM REPORT

DATE:	October 28, 2020
SUBMITTED BY:	Katie Vick,Zoning Board of Appeals
AGENDA SECTION:	NEW BUSINESS
SUBJECT:	PUBLIC HEARING REQUEST FOR A VARIANCE; ZBA 20-01 TODD AND JENIPHER GUERIN, PETITIONERS
SUGGESTED ACTION:	

ATTACHMENTS:
ZBA 20-01 Packet.pdf
20201008172050155.pdf

7

guerinjenipher@gmail.com

ATLAS TOWNSHIP BOARD OF APPEALS
APPLICATION FOR VARIANCE

Application No. 20-01

Filed 9 / 28 / 20
Fee Paid: $ 700.00

To the Atlas Township Board of Appeals, Atlas Township, Genesee County, Michigan:

We, the undersigned, being persons having an interest in the property hereafter described, hereby APPLY to the Atlas Township Board of Appeals to grant a variance to:
Type of variance requested: (Please print or type the following information)
Variance for pole barn due to corner lot - ordinance 300.3.14

In support of this application, we agree to pay any fee your Board requires, and submit the following information, which we represent to be true and complete:
Name(s) of Owner(s): Todd & Jenipher Guerin
Address of Owner(s): 9030 Ridge Road Goodrich, Mi 48438 Phone: (248) 361-6587 OR 248 343-0033

Names of Applicant(s): Owner
Address of Applicant(s): _____ Phone: (___) _____

Names of all other persons having an interest in the property, and type of interest: n/A

Legal Description of property for which application for variance is made:
See attached

Parcel Number: 02-27-100-017 Size of Lot: 456.18 x 319.78 x 130.00 x 97.8 x 305.75 x 317.71
Present Use: Residential Date such use commenced: ___/___/___
Present Zoning Classification: RSA
Reasons for this application are as follows: desire to build a pole barn on corner lot

NOTE: Certified land surveys of all parcels resulting from a division or combination are required for final approval.

Public Hearing Date 10 / 28 / 2020
Notice to property owners within 300 feet sent: 9/28/20 KV
Signature of Applicant: _____
Name of Representative if not owner/applicant: _____
Signature of Owner(s): _____

Notary: _____
Note: If application is signed by owner outside the presence of an Atlas Township employee or agent, a notary signature is required.

If applicant is not the owner of the property for which a variance is requested, then owner must sign application as well as the applicant.

APR-01-02 03:43PM FROM-KEM-TEC +1-810-772-4048 T-725 P.03/04 F-950

MORTGAGE SURVEY

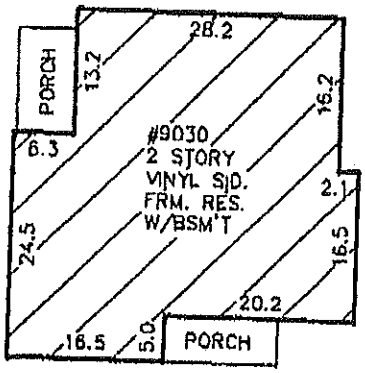
Certified to: LAWYERS TITLE INSURANCE CORPORATION

Applicant: TODD D. AND JENIPHER L. GUERIN

Property Description:
Land situated in Atlas Township, Lapeer County, Michigan, described as follows:
Part of the Northwest 1/4 of Section 27, Town 6 North, Range 8 East, Atlas Township, Genesee County, Michigan, described as: Beginning South 89 degrees 54 minutes 50 seconds East 120 feet from the Southeast corner of Lot 1 of "GALE LAKE SUBDIVISION", according to the recorded plat thereof, as recorded in Plat Liber 39, page 37, Genesee County Records; thence South 89 degrees 54 minutes 50 seconds East, 10 feet; thence North 97.8 feet; thence East 305.75 feet to the centerline of Ridge Road; thence South 3 degrees 59 minutes East, 165.34 feet along the centerline of said road; thence West 325.50 feet; thence North 67.52 feet to the Point of beginning.

ALSO Part of the Northwest 1/4 of the Northwest 1/4 of Section 27, Town 6 North, Range 8 East, Atlas Township, Genesee County, Michigan, described as: Beginning at the Southeast corner of Lot 1 of "GALE LAKE SUBDIVISION", according to the recorded plat thereof as recorded in Plat Liber 39, page 37, Genesee County Records; thence South 219.72 feet to the North line of Gale Lake Drive, so-called; thence East 120 feet along said North line; thence North 219.52 feet; thence North 89 degrees 54 minutes 50 seconds West, 120 feet to the Point of Beginning.

ALSO Part of the Northwest 1/4 of Section 27, Town 6 North Range 8 East, Atlas Township, Genesee County, Michigan, described as: Beginning South 89 degrees 54 minutes 50 seconds East, 120 feet and South 67.52 feet from the Southeast corner of Lot 1 of "GALE LAKE SUBDIVISION", according to the recorded plat thereof, as recorded in Plat Liber 39, page 37, Genesee County Records; thence South 152 feet to the North line of Gale Lake Drive; thence East 336.12 feet along said line to the centerline of Ridge Road; thence North 3 degrees 59 minutes West, 152.37 feet along said centerline; thence West 325.50 feet to the Point of Beginning.
Note: The property description is as furnished by client.
Subject to any part taken, used or deeded for street, road, or highway purposes.



DETAIL
1"=20'

CERTIFICATE: We hereby certify that we have surveyed the above-

ATLAS TOWNSHIP ZONING BOARD OF APPEALS
VARIANCE REQUEST

AFFIDAVIT

In accordance with Section 13.03 (B) (3). Explain the following: (Attach additional pages if necessary.)

A. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.

See attached

B. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same Zoning District.

see attached

C. The conditions and circumstances unique to the property were no created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

see attached

D. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.

see attached

E. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

see attached

You or your representative **must** represent the request before the Zoning Board of Appeals.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Question 1: How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.

Answer: Our unnecessary hardship is that since the township says that we are on a corner lot we cannot build any additional structures on our property without seeking a variance. However our property was not considered a corner lot, to our knowledge, until after we purchased the property in 2002. The piece of property that aligns with our southern property line was a taxable parcel until 2013. Because it is privately owned we will never be able to use it to access our property.

Due to the age of our home we have limited storage areas that will allow us to store many of the items that we need to maintain and enjoy the property that we purchased to the full extent that we imagined when we purchased it. We love to garden and have all of the equipment to do so and because of the RSA zoning we are required to have all of that inside and out of sight.

Question 2: The conditions and circumstances unique to this property, which are not similarly applicable to other properties in the same zoning district.

Answer: Our home was built in about 1900, being part of a larger 80 acre parcel that has been spilt off over time, leaving us with what is considered an irregular lot (as noted in legal description). When we purchased the house in 2002 we were given a drawing of the areas other pieces of property that were adjacent to ours, only 1 road was indicated (referencing our 317.71 feet of road frontage). Directly behind our home is our septic field that is approximately 100 x70 (using about 1000 feet of piping), that effectively eliminates our ability to use that section of our yard for anything else. Currently we are being told that what we thought was an easement on the south side of our property is in fact an "unimproved private drive" that changes our property to a corner lot.

Question 3: The conditions and circumstances unique to the property were not created by the owners, or the predecessors in title, within the time following the effective date of the provisions alleged to adversely affect such property.

Answer: An easement (property id 100-019) which is owned by Leroy Cole, is listed as an "unimproved private drive". The township was collecting taxes on this piece of property from Mr. Cole until spring of 2013 at which time it appears to just become a "non-taxable" easement that the 3 adjacent property owners use as a driveway to access their homes. We are being told that because of this we are a corner lot and the normal RSA ordinances do not apply to us, that we now essentially have 2 front yards and you can't build in your "front yard". We cannot however access that "unimproved private drive" so we are unsure how we can be penalized as a corner lot with a second "front yard".

Question 4: Why the special variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.

Answer: There are many pole barns that have been built within less than a 1 mile radius of our property. In fact there is one that is located on a property that does not have a home currently situated on the property, but sits directly across the street (approx. 9393 or 9385 Ridge Road) from a house that sits on Lake Shinanguag. One has just been built on the property that is directly across the street from us (9053 Ridge), also having access to the lake. Another one at a house just 5 doors down off of Green Road (9516 Green Road).

Question 5: Why the requested variance will not be contrary to the spirit and intent of the zoning ordinance.

Answer: The spirit and intent of the ordinance was to allow property owners the right to enjoy "open space atmosphere that permits the continuation of farming and other open space uses". We moved here with the intent of being able to plant a garden and continue our long tradition of freezing and canning the items that we grow. We currently maintain a vegetable garden (130 x 100) where we grow the full spectrum of herbs and vegetables that we use to sustain us throughout the year. We also have many fruit trees, a strawberry patch and grape vines on the property that allow us to make jams and jellies.

If approved, your variance is good for one (1) year from the date of approval unless otherwise specified, and must be consumed within that time period.

If circumstances require that you need and extension to your granted variance, you may notify the Zoning Board to schedule a hearing. Your hearing date **must** be before your expiration date.

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct. By signing this application, you hereby grant permission to the Atlas Township Board, Planning Commission and Board of Appeals as well as any others as may be required or requested, to physically inspect the subject property.

Date Filed: 9/28/20

Signature of ~~Applicant~~:

DO NOT WRITE BELOW THIS LINE

Application Number: 20-01

Parcel Number: 02-27-100-017

Date of Hearing: 10/28/20

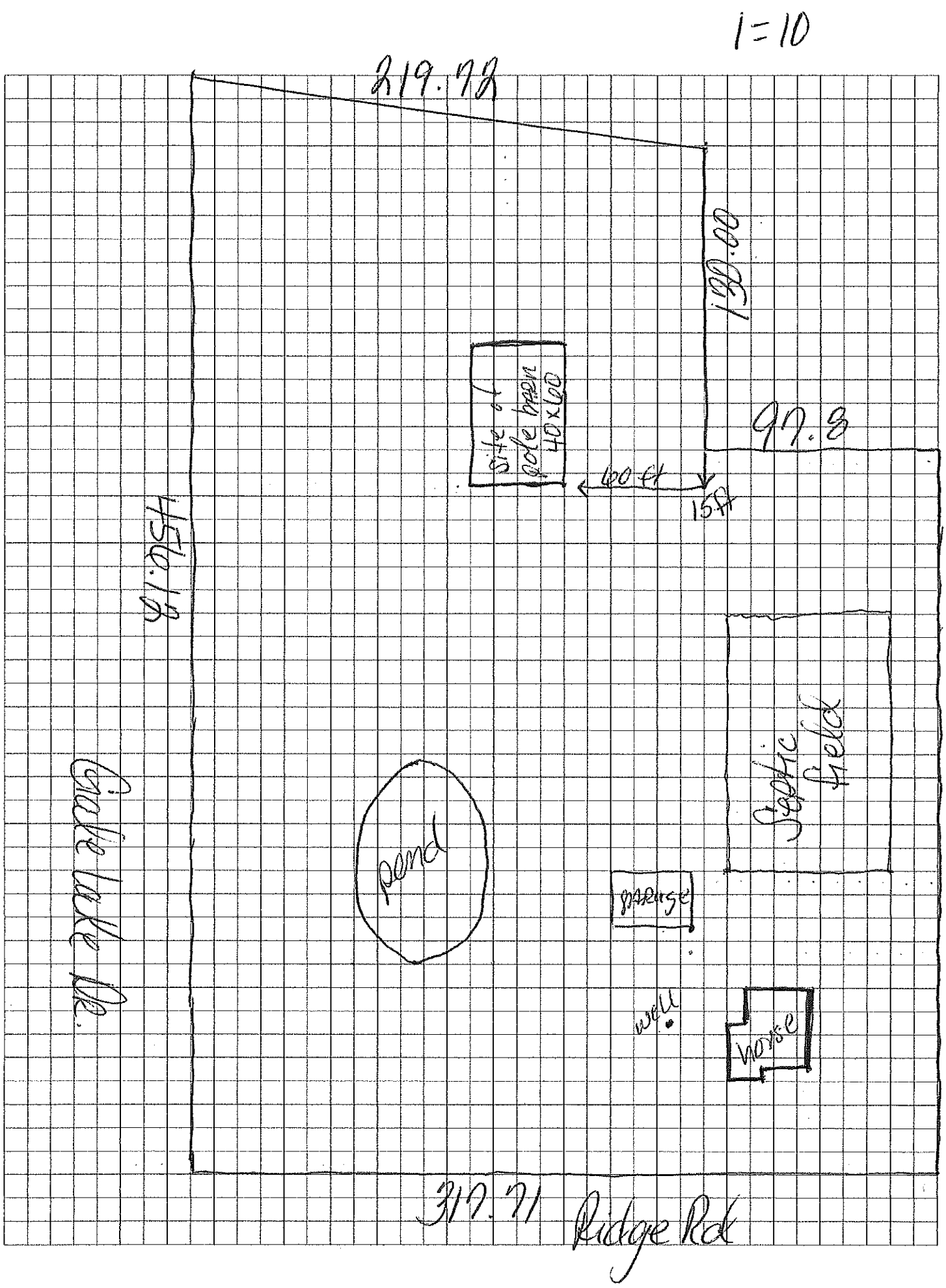
ATLAS TOWNSHIP

Variance Review Procedures

APPLICATION CHECK LIST

_____	1.	Completed Application Form
_____	2.	Site Plan showing all required information
_____	3.	Affidavit
_____	4.	Application Fee
_____	5.	Other (as may be requested):

NOTE: A hearing will not be scheduled until the complete application package, containing all of the requested information, has been filed with the Atlas Township Clerk.


1=10
219.78
190.00
97.8
Site of new mobile home 40x60
60 ft
15ft
454.18
Cadillac Dr.
pond
Septic field
garage
well
house
317.71
Ridge Rd
405.54

County: GENESEE 9030 Ridge Rd Unit: ATLAS TOWNSHIP 09/28/2020 1

Parcel Number	Owner's Name	2021 March BOR S.E.V	2021 March BOR Taxable	Class	School Dist	Property Address
02-22-300-011	JOHNSON LEASING LLC	37,800	19,127	402	25050	RIDGE RD
02-22-300-016	RYLANCE, BRENDAN J	136,400	89,347	401	25050	8535 RIDGE RD
02-27-100-001	MULLANE, WILLIAM IV	72,600	49,229	401	25050	10026 GREEN RD
02-27-100-002	POLLOCK, FREDERICK J TRUST	75,800	46,267	401	25050	10046 GREEN RD
02-27-100-003	HIGH, SHERYL A	71,900	43,417	401	25050	10060 GREEN RD
02-27-100-007	HOWARD, JAMES E	99,700	61,766	401	25050	10100 GALE LAKE DR
02-27-100-008	RACKETT, MARILYN R	75,500	53,289	401	25050	9084 RIDGE RD
02-27-100-009	GRIFFIN, KEVIN & ANDREA	84,700	84,700	401	25050	9092 RIDGE RD
02-27-100-013	SNYDER, AARON	168,100	168,100	401	25050	9053 RIDGE
02-27-100-014	BEDIENT, MARK P REV TRUST	96,300	75,362	402	25050	RIDGE RD
02-27-100-015	BEDIENT, MARK & CHERYL	370,800	304,630	401	25050	9077 RIDGE RD
02-27-100-016	COSTANZA, SILVINO	520,800	428,398	401	25050	9087 RIDGE RD
02-27-100-017	GUERIN, TODD D & JENNIPHER L	88,300	54,472	401	25050	9030 RIDGE RD
02-27-100-019	COLE, LEROY D	0	0	705	25050	GALE LAKE DR
02-28-200-019	YEE, HARVEY & ANN MARIE	0	0	705	25050	PATTI LN
02-28-200-021	COLE, LEROY D	168,400	115,900	401	25050	9500 GALE LAKE DR
02-28-200-022	YEE, HARVEY & ANN MARIE TRU	233,700	147,463	401	25050	9438 GALE LAKE DR
02-28-526-015	KINGSLEY, DENNIS O	77,400	49,002	401	25050	10012 GREEN RD
02-28-526-018	JOHNSON, CRYSTAL & BRADLEY	83,000	62,628	401	25050	9516 GREEN RD

Total Parcel Count: 19

Mailing

02-22-300-011 - 10025 Gale Rd Goodrich MI 48438
02-27-100-007 - PO Box 83 Goodrich MI 48438
02-27-100-013 - 10407 Dawn LN Goodrich MI 48438
02-27-100-014 - 9077 Ridge Rd Goodrich MI 48438
02-27-100-019 - PO Box 183 Goodrich MI 48438
02-28-200-019 - 9438 Gale Lk Rd, Goodrich MI 48438

PUBLIC NOTICE

ATLAS TOWNSHIP ZONING BOARD OF APPEALS

NOTICE, to the citizens of **ATLAS TOWNSHIP,** Genesee County, Goodrich, Michigan.

The **ZONING BOARD OF APPEALS** will hold a **PUBLIC HEARING ON WEDNESDAY OCTOBER 28, 2020 AT 7:00 PM LOCATED AT THE ATLAS TOWNSHIP HALL, 7386 S GALE RD., GRAND BLANC, MI 48439 AND/OR BY TELECOMMUNICATION AS PERMITTED DURING THE COVID-19 CRISIS (Meeting access code/information will be available on our website at www.atlastownship.org and on the header of the published agenda).** to consider request for a variance request for an accessory building in the non-required front yard of a corner lot. Case #20-01. Address: 9030 Ridge Rd., Goodrich, MI. Parcel No. 02-27-100-017, Todd and Jenipher Guerin applicants. Copies of the application are on file at the township hall and can be reviewed during regular business hours Monday thru Thursday 8:00am to 5pm. Physically challenged persons needing assistance or aid at the public hearing should contact the Atlas Township Clerk during regular business hours not less than seventy-two (72) hours prior to the public hearing. Anyone unable to attend the hearing can call or send their comments to the Atlas Township Clerk, PO Box 277, Goodrich, MI 48438. Phone (810) 636-2548 fax: (810) 636-6244

Posted by:
Katherine Vick, Clerk
Atlas Township
(Publish Citizens Newspaper 10/10/2020)

AGENDA ITEM NO. 8.2

Item Cover Page

ZONING BOARD OF APPEALS AGENDA ITEM REPORT

DATE:	October 28, 2020
SUBMITTED BY:	Katie Vick,Zoning Board of Appeals
AGENDA SECTION:	NEW BUSINESS
SUBJECT:	PUBLIC HEARING REQUEST FOR A VARIANCE; ZBA 20-02 DALE MILLER, PETITIONERS
SUGGESTED ACTION:	

ATTACHMENTS:
ZBA 20-02 Packet.pdf
20201008172242686.pdf
Renius Letter.pdf

ATLAS TOWNSHIP BOARD OF APPEALS
APPLICATION FOR VARIANCE

Application No. 20-02

Filed 9/28/20
Fee Paid: $ 700.00

To the Atlas Township Board of Appeals, Atlas Township, Genesee County, Michigan:

We, the undersigned, being persons having an interest in the property hereafter described, hereby APPLY to the Atlas Township Board of Appeals to grant a variance to: Dale Miller
Type of variance requested: (Please print or type the following information)
Detached garage

In support of this application, we agree to pay any fee your Board requires, and submit the following information, which we represent to be true and complete:
Name(s) of Owner(s): Dale E & Denise L. Miller
Address of Owner(s): 7422 Henderson Rd Goodrich, MI Phone: (810) 636-7846
Names of Applicant(s): Dale E. Miller Dale 810-516-9744 Denise 810-516-4970
Address of Applicant(s): 7422 Henderson Rd Goodrich, MI Phone: (810) 516-9744
Names of all other persons having an interest in the property, and type of interest: N/A

Legal Description of property for which application for variance is made:
SEE attached

Parcel Number: 02144001 18 Size of Lot: 367.41' wide by 659.37' deep
Present Use: Residence Date such use commenced: / / 1977
Present Zoning Classification: ~~RR~~ RA
Reasons for this application are as follows: detached garage

NOTE: Certified land surveys of all parcels resulting from a division or combination are required for final approval.

Public Hearing Date 10/28/2020
Notice to property owners within 300 feet sent:
Signature of Applicant: Dale E. Miller
Name of Representative if not owner/applicant:
Signature of Owner(s):

Notary:
Note: If application is signed by owner outside the presence of an Atlas Township employee or agent, a notary signature is required.

If applicant is not the owner of the property for which a variance is requested, then owner must sign application as well as the applicant.

ATLAS TOWNSHIP ZONING BOARD OF APPEALS
VARIANCE REQUEST

AFFIDAVIT

In accordance with Section 13.03 (B) (3). Explain the following: (Attach additional pages if necessary.)

A. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.

Use of garage with minimal cost to develope

B. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same Zoning District.

Property directly behind house drops off downhill into wet area with cattails and underground drain. Behind house natural drainage would erode any structure due to steep slope

C. The conditions and circumstances unique to the property were no created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

They were not

D. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.

Other residences within half a mile have similar detached garages in front of home. Mine will not be in front of home but to the side

E. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

Garage is on northside of property and will not be blocking any views of house from the road

You or your representative **must** represent the request before the Zoning Board of Appeals.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Bzaapp2005/02

If approved, your variance is good for one (1) year from the date of approval unless otherwise specified, and must be consumed within that time period.

If circumstances require that you need and extension to your granted variance, you may notify the Zoning Board to schedule a hearing. Your hearing date must be before your expiration date.

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct. By signing this application, you hereby grant permission to the Atlas Township Board, Planning Commission and Board of Appeals as well as any others as may be required or requested, to physically inspect the subject property.

Date Filed: 9 / 28 / 2020

Signature of Applicant: Dale E. Milly

DO NOT WRITE BELOW THIS LINE

Application Number: 20-02

Parcel Number: 02-14-400-018

Date of Hearing: 10/28/20

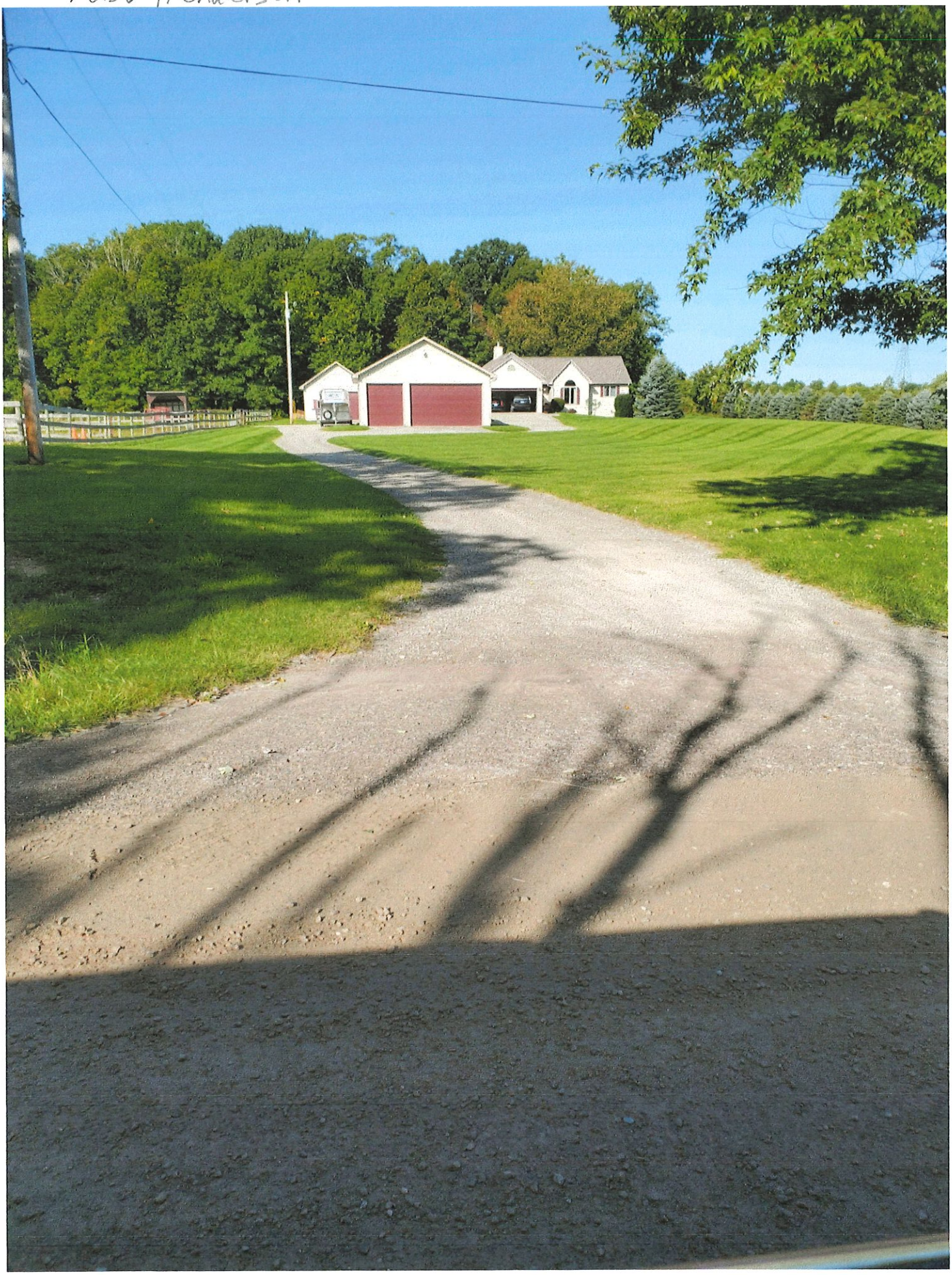
ATLAS TOWNSHIP

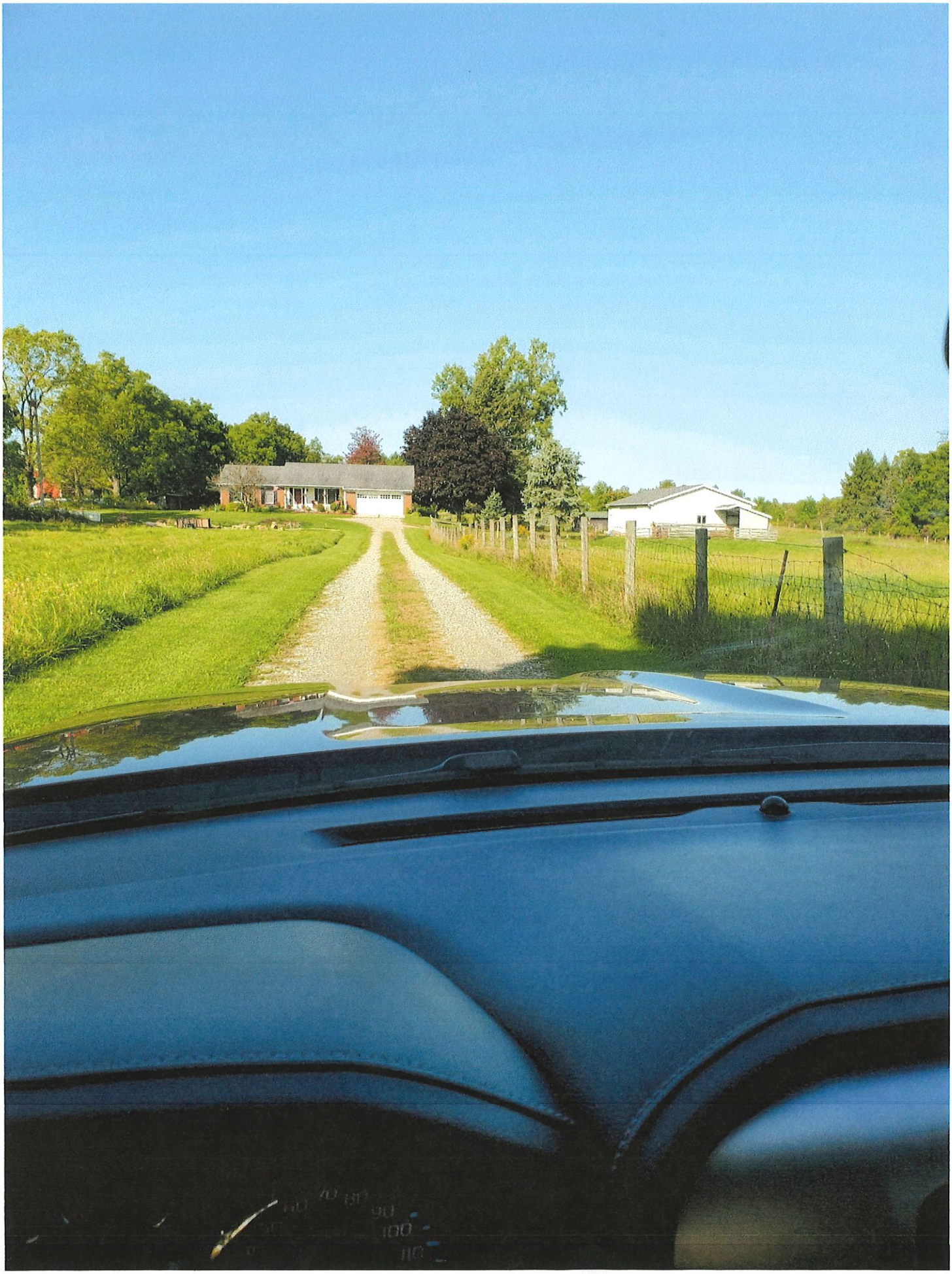
Variance Review Procedures

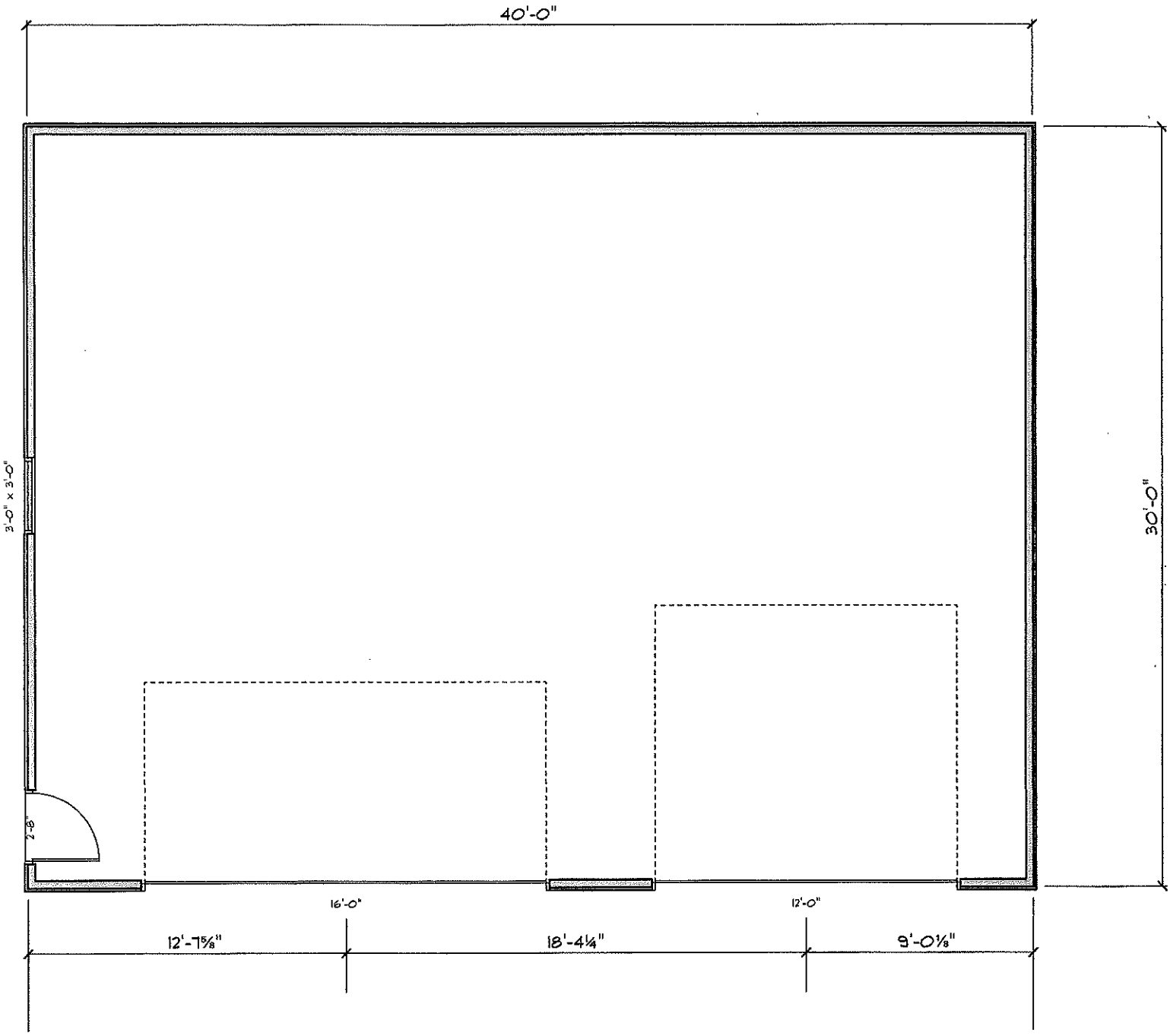
APPLICATION CHECK LIST

✓	1.	Completed Application Form
✓	2.	Site Plan showing all required information
	3.	Affidavit
	4.	Application Fee $700.00
	5.	Other (as may be requested):

NOTE: A hearing will not be scheduled until the complete application package, containing all of the requested information, has been filed with the Atlas Township Clerk.



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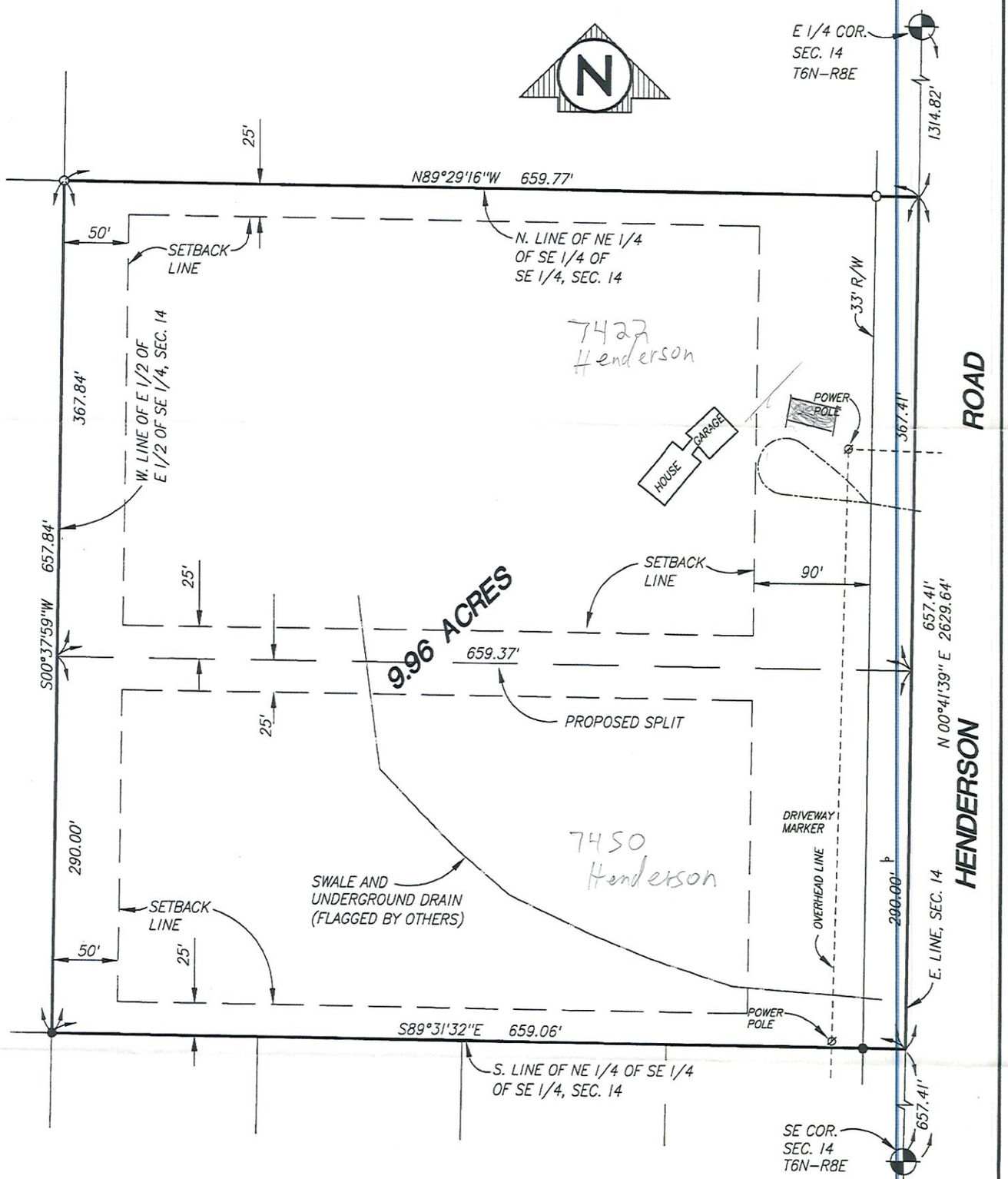
30'-0"
3'-0" x 3'-0"
2'-8"
16'-0"
12'-0"
12'-7⅝"
18'-4¼"
9'-0⅛"

CERTIFIED SURVEY

CERTIFICATE:
I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 10,000

DESCRIPTION OF LAND SURVEYED:
SEE SHEET 4 OF 4



BEARINGS ARE REFERENCED TO PREVIOUS SURVEY BY FLINT SURVEYING & ENGINEERING, JOB NO. 17590-96, DATED 9-10-96

LEGEND, O =IRON SET, ● =IRON FOUND, ■ = MONUMENT FOUND, -X-X- = FENCE, (R) = RECORDED, (M) = MEASURED

TONY & LESLIE CICALO

SEC. 14 T 6 N - R 8 E ATLAS TOWNSHIP
GENESEE COUNTY, MICHIGAN

ROWE INCORPORATED

LAPEER
128 N. Saginaw St.
Lapeer, MI 48446
810-664-9411

CORPORATE OFFICE
6211 Taylor Dr.
Flint, MI 48507
810-341-7500

Mt. PLEASANT
127 S. Main St.
Mt.Pleasant, MI 48858
989-772-2138

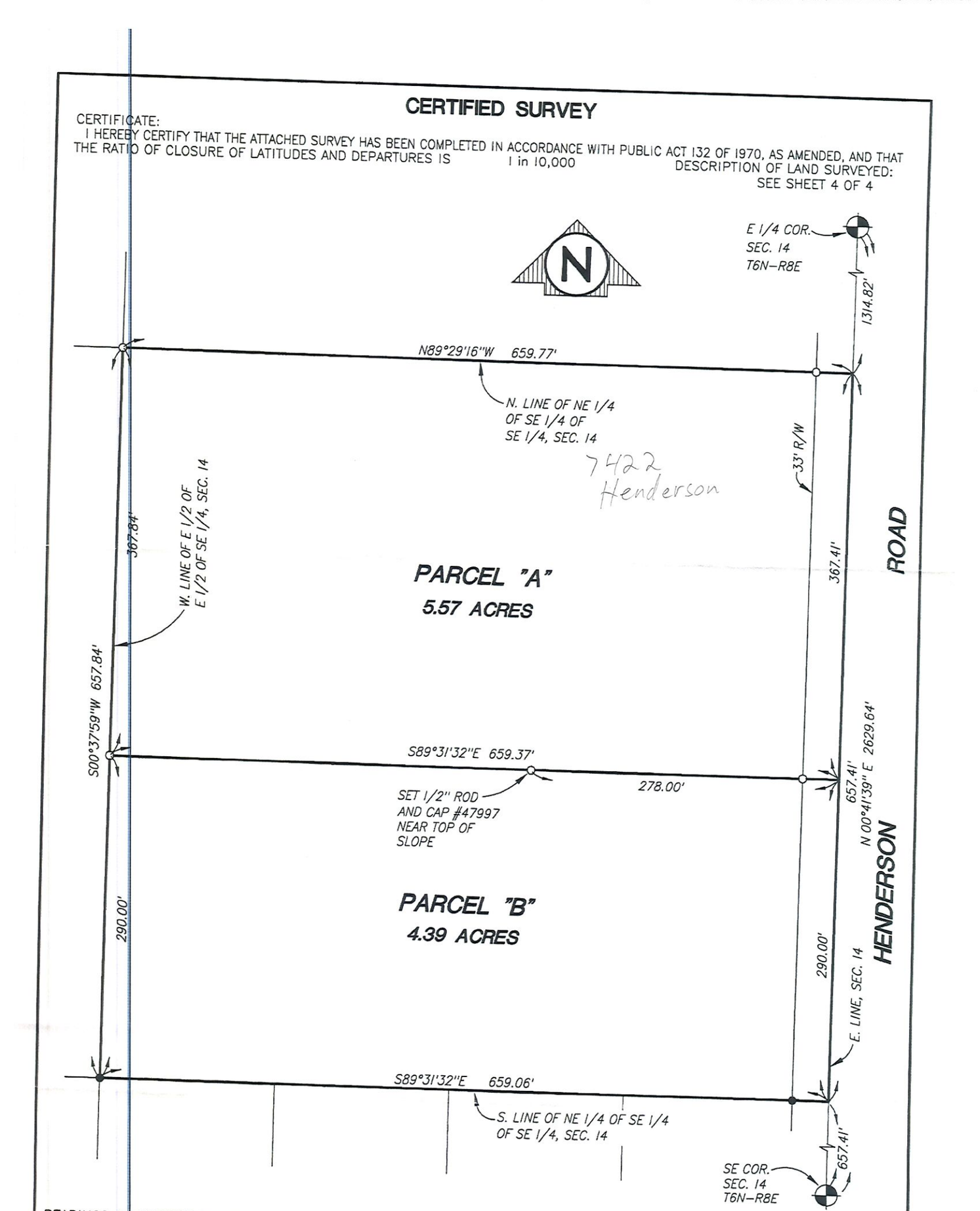
STATE OF MICHIGAN
CURT R. MERROW
PROFESSIONAL SURVEYOR
No. 47997
LICENSED PROFESSIONAL SURVEYOR

	DATE: 5-10-04	DRAWN: PO	
REVISED	SCALE: 1"=100' (0 — 1 IN. — 0 50 100 FT.)	FIELD: MJ	CAD NO. CS-02-p
SHEET NO. 2 OF 4		CHECKED: CRM	JOB NO. 04C0116

CERTIFIED SURVEY

CERTIFICATE:
I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 10,000

DESCRIPTION OF LAND SURVEYED:
SEE SHEET 4 OF 4



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TONY & LESLIE CICALO

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STATE OF MICHIGAN
CURT R. MERROW
PROFESSIONAL SURVEYOR
No. 47997
LICENSED PROFESSIONAL SURVEYOR

DATE: 5–10–04		DRAWN: PO	
REVISED	SCALE: 1"=100' 0 1 IN. 0 50 100 FT.	FIELD: MJ	CAD NO. CS–02–p
SHEET NO. 3 OF 4		CHECKED: CRM	JOB NO. 04C0116

CERTIFIED SURVEY

CERTIFICATE:
I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 10,000

DESCRIPTION OF LAND SURVEYED:

LEGAL DESCRIPTIONS:

AS FURNISHED BY CLIENT: DEED LIBER 1951, PAGE 901

THE NE 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 14, T6N, R8E, TOWNSHIP OF ATLAS, GENESEE COUNTY, MICHIGAN, CONTAINING 10 ACRES MORE OR LESS. EXCEPTING THAT PART RESERVED FOR USE OF HENDERSON ROAD, SO CALLED.

AS SURVEYED:

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 8 EAST, ATLAS TOWNSHIP, GENESEE COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, SAID POINT BEING ON THE EAST LINE OF SAID SECTION 14 WHICH IS N00°41'39"E, ALONG SAID EAST LINE, 657.41 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE CONTINUING N00°41'39"E, ALONG SAID EAST LINE, 657.41 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE N89°29'16"W ALONG SAID NORTH LINE, 659.77 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S00°37'59"W, ALONG SAID WEST LINE, 657.84 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S89°31'32"E, ALONG SAID SOUTH LINE, 659.06 FEET TO THE POINT OF BEGINNING. CONTAINING 9.96 ACRES OF LAND, SUBJECT TO THE EASTERLY 33.00 FEET THEREOF AS HENDERSON ROAD. ALSO SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHTS OF WAY OF RECORD.

PARCEL "A":

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 8 EAST, ATLAS TOWNSHIP, GENESEE COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 14 WHICH IS N00°41'39"E, ALONG SAID EAST LINE, 947.41 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE CONTINUING N00°41'39"E, ALONG SAID EAST LINE, 367.41 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE N89°29'16"W ALONG SAID NORTH LINE, 659.77 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S00°37'59"W, ALONG SAID WEST LINE, 367.84 FEET; THENCE S89°31'32"E, 659.37 FEET TO THE POINT OF BEGINNING. CONTAINING 5.57 ACRES OF LAND, SUBJECT TO THE EASTERLY 33.00 FEET THEREOF AS HENDERSON ROAD. ALSO SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHTS OF WAY OF RECORD.

PARCEL "B":

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 8 EAST, ATLAS TOWNSHIP, GENESEE COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, SAID POINT BEING ON THE EAST LINE OF SAID SECTION 14 WHICH IS N00°41'39"E, ALONG SAID EAST LINE, 657.41 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE CONTINUING N00°41'39"E, ALONG SAID EAST LINE, 290.00 FEET; THENCE N89°31'32"W, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, 659.37 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S00°37'59"W, ALONG SAID WEST LINE, 290.00 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S89°31'32"E, ALONG SAID SOUTH LINE, 659.06 FEET TO THE POINT OF BEGINNING. CONTAINING 4.39 ACRES OF LAND, SUBJECT TO THE EASTERLY 33.00 FEET THEREOF AS HENDERSON ROAD. ALSO SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHTS OF WAY OF RECORD.

WITNESSES:

E 1/4 COR., SEC. 14, T6N–R8E
FND GENESEE CO. REMON
S88°E 29.03' FND NAIL/GOULD TAG IN S. FC FENCE POST
S88°E 32.97' FND 1/2" ROD & CAP #14763
S57°W 27.90' FND NAIL & TAG #35992 IN NNW FC 9" MAPLE
N45°W 31.80' FND NAIL IN NNE FC 22" ASH

SE COR., SEC. 14, T6N–R8E
FND GENESEE CO. REMON
S45°E 45.72' FND NAIL/TAG #17623 IN E. FC ANCHOR POST
S45°W 60.60' FND NAIL/TAG #10007 IN TOP OF CUT–OFF POLE
S40°W 76.29' FND CARLSON NAIL/TAG IN NW FC TWIN 8" WILLOW
S40°E 77.00' FND CARLSON NAIL/TAG IN NE FC 8" COTTONWOOD

S 1/4 COR., SEC. 14, T6N–R8E
FND IRON W/CAP #49352
S65°W 76.36' FND MAG NAIL IN NW FC 7" BOX ELDER
S03°W 37.55' FND FLAG IN E. FC DEAD 6" ELM
S45°E 31.28' SET 1/2" ROD
N45°E 28.87' SET 1/2" ROD
N35°W 29.55' SET 1/2" ROD

INT 1/4 COR., SEC. 14, T6N–R8E
FND 1/2" REROD
N02°W 31.74' FND NAIL & K.R.C. TAG IN 22" OAK
N31°E 6.78' FND PK NAIL & TAG #17623 IN 14" MAPLE
S45°W 18.53' FND PK NAIL & TAG #17623 IN 14" ASH
S07°W 35.96' FND NAIL & K.R.C. TAG IN 15" BASSWOOD

BEARINGS ARE REFERENCED TO PREVIOUS SURVEY BY FLINT SURVEYING & ENGINEERING, JOB NO. 17590–96, DATED 9–10–96
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TONY & LESLIE CICALO

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GENESEE COUNTY, MICHIGAN

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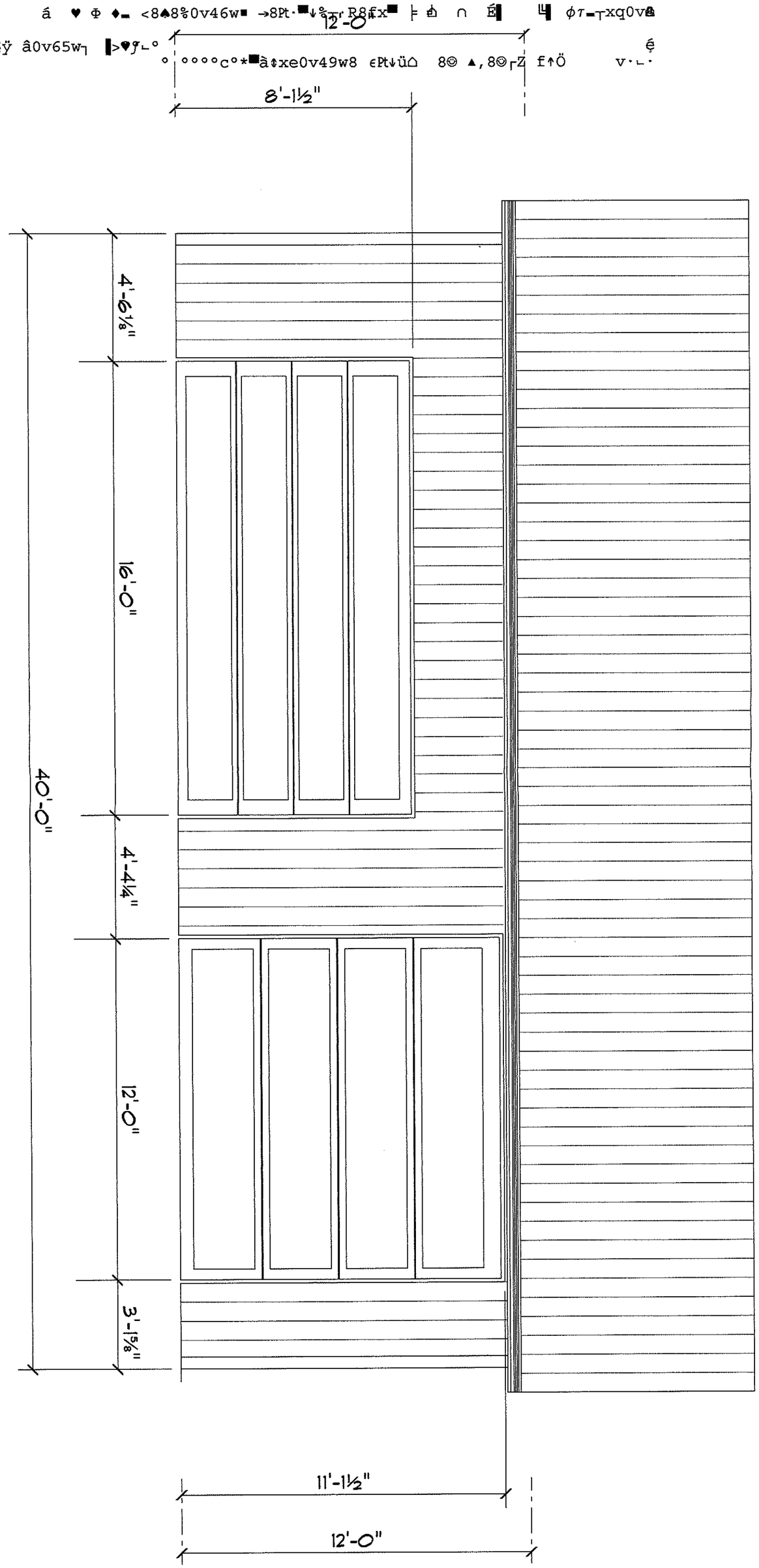
STATE OF MICHIGAN
CURT R. MERROW
PROFESSIONAL SURVEYOR
No. 47997
LICENSED PROFESSIONAL SURVEYOR

	DATE: 5–10–04	DRAWN: PO	
REVISED	SCALE: N/A 0 1 IN. 0 FT.	FIELD: MJ	CAD NO. CS–03
SHEET NO. 4 OF 4		CHECKED: CRM	JOB NO. 04C0116


12'-0"
8'-1½"
4'-6⅛"
16'-0"
4'-4¼"
12'-0"
3'-1⅝"
40'-0"
11'-1½"
12'-0"

7422
7450
Henderson
7431

Parcel Number	Owner's Name	2021 March BOR S.E.V	2021 March BOR Taxable	Class	School Dist	Property Address
02-13-300-012	EDDY TRUST	124,300	89,005	401	25050	7501 HENDERSON RD
02-13-300-018	RENIUS, DAVID	20,000	3,638	402	25050	HENDERSON RD
02-13-300-019	RENIUS, DAVID C	119,200	70,620	101	25050	7431 HENDERSON RD
02-13-300-020	RENIUS, DAVID C	127,700	127,301	101	25050	HENDERSON RD
02-14-400-001	MILLER, DALE E	38,300	21,275	402	25050	HENDERSON RD
02-14-400-003	MOORE, JOSEPH W	107,800	77,348	401	25050	7474 HENDERSON RD
02-14-400-004	HENRY, MELONY	119,700	79,659	401	25050	11501 HEGEL RD
02-14-400-005	HERMAN, DALE R	88,200	62,564	401	25050	11485 HEGEL RD
02-14-400-006	KOPESKY, MICHAEL L	102,300	71,110	401	25050	11471 HEGEL RD
02-14-400-011	STODGEL, DANA V	101,500	51,588	401	25050	11431 HEGEL RD
02-14-400-018	MILLER, DALE E	83,700	58,983	401	25050	7422 HENDERSON RD
02-14-400-019	CICALO, ANTHONY & LESLIE	135,700	91,626	401	25050	7450 HENDERSON RD
02-14-400-024	WALKER, THOMAS TRUST	236,100	168,765	401	25050	HEGEL RD

Total Parcel Count: 13

02-14-400-024 11332 Coolidge Rd Goodrich MI 48438

Mailed 10/7/20

PUBLIC NOTICE

ATLAS TOWNSHIP ZONING BOARD OF APPEALS

NOTICE, to the citizens of **ATLAS TOWNSHIP,** Genesee County, Goodrich, Michigan.

The **ZONING BOARD OF APPEALS** will hold a **PUBLIC HEARING ON WEDNESDAY OCTOBER 28, 2020 AT 7:00 PM LOCATED AT THE ATLAS TOWNSHIP HALL, 7386 S GALE RD., GRAND BLANC, MI 48439 AND/OR BY TELECOMMUNICATION AS PERMITTED DURING THE COVID-19 CRISIS (Meeting access code/information will be available on our website at www.atlastownship.org and on the header of the published agenda).** to consider request for variance in the required front yard. Case #20-02. Address: 7422 Henderson Rd., Goodrich, MI. Parcel No. 02-14-400-018, Dale Miller, applicant. Copies of the application are on file at the township hall and can be reviewed during regular business hours Monday thru Thursday 8:00am to 5pm. Physically challenged persons needing assistance or aid at the public hearing should contact the Atlas Township Clerk during regular business hours not less than seventy-two (72) hours prior to the public hearing. Anyone unable to attend the hearing can call or send their comments to the Atlas Township Clerk, PO Box 277, Goodrich, MI 48438. Phone (810) 636-2548 fax: (810) 636-6244

Posted by:
Katherine Vick, Clerk
Atlas Township
(Publish Citizens Newspaper 10/10/2020)

David Renius
7431 Henderson Road
Goodrich, MI 48438

October 17, 2020

Atlas Township Board of Appeals

To whom it may concern, please read the following into the record of the ZBA meeting scheduled for Wednesday, October 28, 2020.

I received a notice of the requested variance at the 7422 Henderson parcel no. 02-14-400-018. The property is across the street from my homestead properties no. 02-13-300-018, 019, 020.

The reason for the requested variance reported to me by Mr. Miller and the Township Clerk is that the slope of the land is unsuitable behind the house.

While the slope of the land behind the house is steep, the land due north of the house is flat. The flat land north of the house is more suitable for a detached outbuilding than the site nearer the road requested by Mr. Miller because it meets the desired setback line of township ordinance. Basically, it is more compliant overall than what has been requested. Additionally, a northerly placement will allow for a substantial screen of conifers to be placed in front of the structure.

As a side note, my detached barns are in compliance with township ordinances and I have planted a substantial number of conifers to screen my structures from Mr. Miller's residence.

While a strict enforcement of township ordinances might be unreasonably punitive to Mr. Miller, it is reasonable to expect that every effort be made to come as close to the ordinances as possible. Fortunately, a compromise is quite easy in this instance.

I have enclosed a copy of the site plan with highlighted changes to help clarify the compromise.

Thank you

David Renius

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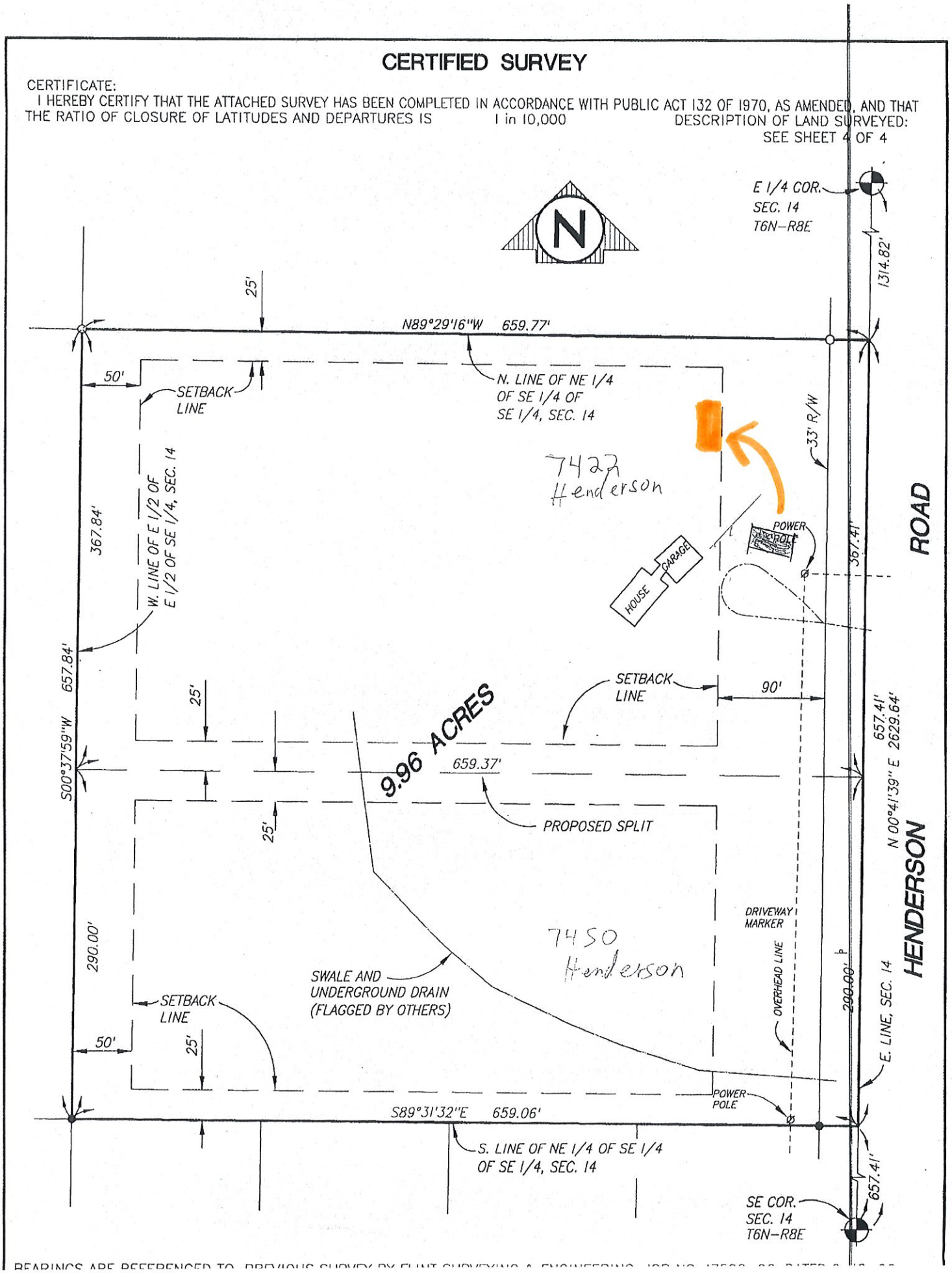
CERTIFICATE:
I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 10,000 DESCRIPTION OF LAND SURVEYED:
SEE SHEET 4 OF 4



BEARINGS ARE REFERENCED TO PREVIOUS SURVEY BY FLINT SURVEYING & ENGINEERING, JOB NO. 17508, DATED [illegible]