CHARTER TOWNSHIP OF LOWELL
ZONING BOARD APPEALS

November 28, 2007

Mr. Tim Clements, chairperson, called the meeting of the Lowell Township Zoning Board of Appeals to order at 7:03 p.m. In addition to Mr. Clements, board members present were Roger Tomkins, Scott Edwards, William Thompson, and Mary Mayhew. Four citizens were in attendance, as well as Township Supervisor, Paula Blumm.

Chairperson Clements introduced the members of the Board and explained the hearing process to the public. Mr. Clements added an item to the agenda allowing for discussion of Mr. Edwards suggested corrections to the Zoning Ordinance. Mr. Thompson moved to accept the amended agenda and Mr. Edwards seconded. The motion carried.

Variance Request by Matt Garrison

Mr. Clements began the hearing by having Ms. Mayhew read into the record the Notice of the Public Hearing: Matt Garrison has made application for a variance from the Table of General Bulk Regulations of the Lowell Township Zoning Ordinance to allow for a 32 foot front yard setback where 75 feet is required for property located at 11260 Fulton Street, Lowell Permanent Parcel No. 41-20-09-100-043 for a drive-thru coffee stand.

Presenting were Matt Garrison, builder; and Paul Fabr, property owner. Also present was Wendy Lawrence of Main Line Coffee.

Mr. Clements explained that the Planning Commission must address a special use variance for the drive-thru window, but that the Zoning Board of Appeals must first grant a zoning variance.

Matt Garrison reviewed the site plan, discussed the placement of the septic system at the back of the site and the required 75-foot setback of the well from the septic.

Mr. Thompson questioned if the two parcels owned by Mr. Fabr were separated. Mr. Fabr replied that the parcel on which Pauly's lies and the parcel under question for the variance had been separated.

Mr. Edwards pointed out that the proposed placement of the septic system prohibits meeting the current zoning and questioned whether different placement of the septic would allow for closer adherence to the ordinance.

Mr. Garrison said he is still waiting for the specifics and approval on the septic installation from the Kent County Health Department.

Mr. Thompson asked if destruction of existing asphalt was a concern. Both Mr. Garrison and Mr. Fabr said no.

Mr. Edwards suggested moving the septic field west toward parcel one to allow the Main Line Coffee building to be placed back further on the parcel.

Both Mr. Fabr and Mr. Garrison responded favorably to moving the structure back as far as placement of the septic would allow. Mr. Garrison said Kent County Health Department officials requested a deeper perk dig, which is scheduled for Monday, December 3, 2007.

Mr. Thompson suggested transposing proposed employee parking and the septic field on the site plan to allow the additional pick up of 10 to 20 feet of front setback.

Mr. Garrison responded positively to that suggestion as well but pointed out the lack of specifics from the Health Department makes it impossible at this time to adjust the site plan.

Chairperson Clements concluded that it is always the Board's objective to minimize the variance requested if possible. Without specifics from the Health Department on the septic system and drain field the Board could not proceed.

All concerned agree key information about the septic system needs to be obtained before proceeding. Mr. Clements clarified favorable leanings from all the board members toward the request for the variance. Mr. Clements pointed out a continuation of this hearing only requires a short notice posting. A continuation could be scheduled after the Health Department response.

Mr. Clements asked for public comment. There was no public comment.

Mr. Tomkins wanted to know if there would be interference from Pauly's septic system.

Mr. Fabr remarked that Pauly's septic system was grandfathered in.

Mr. Thompson moved to table the hearing, seconded by Mr. Edwards. The motion to table the variance request from Matt Garrison was passed unanimously.

Mr. Clements opened the meeting to public comment at 8:05 p.m. There was no public comment. The meeting was closed to public comment at 8:06p.m.

Mr. Clements prefaced the next agenda item by pointing out that the State grants townships authority to develop zoning ordinances. Further, he commented that the state, counties, and townships all have a part in dictating zoning ordinances. Mr. Clements then opened the meeting for discussion of corrections and clarifications of the current township zoning ordinances.

Mr. Edwards passed out a list of ordinance items (see attached) he feels need change. The Board discussed each item suggested for correction or change.

Mr. Clements asked for public comment. One citizen suggested further education on "GAMPS" and the "Right to Farm" act would be helpful.

The Board agreed Mr. Clements would take the suggestions to the Planning Commission, whose job it is to establish the zoning ordinance.

Mr. Clements brought the Board up to speed on the progress of reviewing the Master Plan and said there would be probably be one more public hearing in February.

Mr. Edwards made a motion to adjourn. Mr. Tomkins seconded the motion. With all in favor the motion passed. Mr. Clements adjourned the meeting at 8:52p.m.

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Mary Mayhew, Secretary