

WEST BLOOMFIELD ZONING BOARD OF APPEALS MEETING

March 2, 2005

PRESENT: Chrmn. Larry Houck, James Foote, Deborah Hastings & Robert Swain

ABSENT: Dean Huff

Also Present: Scott Storke, CEO

***7:35PM:** Chrmn. Houck called the meeting to order and read the Legal Notice for the Public Hearing on tonight's agenda.

PUBLIC HEARING:

Terry Clark (wwwenterprises) – Area Variance.....Mr. Clark was present and passed out a sketch showing the location of door/entrance to the loading dock. He noted that he had spoken with Guy Boor (Stone Construction), the owner of the property that abuts Mr. Clark's property to the North, and he was fine with the addition being built. Bob Swain asked why they couldn't build the addition in a different spot? Mr. Clark explained the layout of the existing building and noted that building the addition as proposed would also be the most cost effective. James Foote asked why they couldn't install a loading dock with a door out back (of the new addition), which would eliminate the need for a Variance? Mr. Clark replied that they already had a loading dock and cement pad on the north side of the building, that they wanted to utilize, and again noted that it would be very expensive to install a new loading dock. Bob Swain asked Mr. Clark if he had any idea what that would cost & Mr. Clark replied that he did not. James Foote asked how tall the proposed (loading dock) enclosure would be? Mr. Clark explained that they were planning to build a metal enclosure to match the material of the existing building and approximately the same height. He added that they would make sure the roof blended in well with the existing roof (for aesthetic purposes) as they also wanted it to look nice. There were no further questions and Public Hearing closed @ 8:00PM.

The Zoning Board Members had a lengthy discussion about whether or not to approve this application and reviewed the criteria to be considered, prior to voting:

- 1.) Agreed that no undesirable changes would be produced
- 2.) Agreed that it would be feasible for the Applicant to pursue a different method but, would be a great expense for the Applicant to incur
- 3.) Agree the proposed plan is not substantial because of the pre-existing concrete slab
- 4.) Agreed there would be no adverse effect as the foundation/slab already exists.
Noted it would actually be better for the environment to have the slab enclosed
- 5.) Agreed that the answer is NO. Pre-existing foundation/slab was already there

The ZBA members were in Agreement that the benefits to the Applicant outweigh the detriment to the Community. Public Hearing closed at 8:30PM.

ZBA Meeting

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Vote on Terry Clark (wwwEnterprises) Variance.....James Foote made a motion to approve the application for an Area Variance to enclose the pre-existing loading dock, which will result in a 4' side setback where the Zoning Schedule currently requires 25', on the condition that a Site Plan be approved by the Planning Board prior to a Building Permit being issued. Debbie Hastings seconded the motion, with ayes by all, and motion carried. **Conditional Variance granted.**

NEW BUSINESS:

ZBA Minutes – February 2, 2005.....James Foote noted that there was an omission in the February Minutes. He added that he would like the minutes to reflect the fact that, **at the February meeting Dean Huff was unanimously voted in as Vice Chairman.** Bob Swain made a motion to approve the February Minutes (with corrections noted). James Foote seconded the motion, with ayes by all, and **Minutes were approved.**

OLD BUSINESS:

Conditional Approvals.....James Foote stated that he would like to discuss enforcement of the conditional approvals that were granted on applications submitted by Jane Shaw and George Wemett now that the new zoning code is in effect. He noted that, prior to the new zoning regulations going into effect, Mrs. Shaw and Mr. Wemett were both granted conditional Variances and these “conditions” have not been met. He asked if we (Town) were just going to close our eyes to what is going on? He further stated that he is aware of the fact that the new zoning code allows for certain items (or conditions) that were not allowed when Mrs. Shaw and Mr. Wemett’s applications were approved but the fact still remains that they are ignoring something we told them to do. There was some discussion about the new zoning code and whether or not conditions placed on previously approved applications should be enforced or “let go” because the “situation” is now allowed. James Foote asked if it would be feasible to send a letter to Mrs. Shaw and Mr. Wemett and address the issue one way or another? He also asked Scott Storke if he could find out if they are in compliance with the new regulations (in regards to the 35% lot coverage Criteria)? Scott said he would check to see if each one meets the criteria.

9:30PM.....There was no further business to come before the board and Bob Swain made a motion to adjourn the meeting. Debbie Hastings seconded the motion, with ayes by all, and motion passed. Meeting adjourned.

Respectfully Submitted,

Debbie MacDowell,
ZBA Clerk