

ZONING BOARD OF APPEALS MEETING

January 4, 2017 7:00 P.M.

PERRY CITY HALL COUNCIL CHAMBERS

PRESENT: Scott Nover, Terry Wood and Brad Ford

ABSENT: None

ALSO PRESENT: Jonathon LeValley and Mayor James Huguelet

THE PURPOSE FOR THIS MEETING is to possibly allow an accessory building for a home occupation and for exceeding square footage limitations for home occupation. Zoning permit was denied based on City Code #1260.04(59) Home Occupation.

Applicant: Jonathon LeValley

Property address: 12357 Beardslee Rd., Perry, MI 48872

Vice Chairman Scott Nover called meeting to order 7:00 P.M.

COMMENTS:

LeValley explained his use of the property and why he was asking for the Variance.

Nover asked if LeValley forged steal at his business and LeValley said “I can’t say yes or no.” but he has a forger.

Nover stated that he had spoken to two different Building Inspectors. Nover asked if LeValley could do his business in his house. LeValley stated “No”. Nover asked LeValley if he could connect the house and garage, remove garage doors and make it one building. LeValley said “No, no money”. Board asked if LeValley could buy adjacent Industrial land. LeValley said “No, no money”.

Wood asked if the property could be turned into Light Industrial Zoning. He also asked if LeValley could split land. LeValley didn’t think that was okay.

Nover printed and shared the emails to the committee and LeValley regarding conversations with Zoning Administrator Leland Scott that LeValley provided to Nover.

Nover read out loud the four requirements that need to be met by the Board to possibly grant a use-variance or non-variance.

Nover read out loud the email conversation between Zoning Administrator and LeValley to the Board.

Wood stated he felt bad but didn’t see that the Zoning Administrator had given permission to run business here.

Ford thought that the Zoning Administrator had given permission to run business here.

Nover thought the Zoning Administrator had said maybe but get permission before buying otherwise turn in paper work asking before buying.

LeValley and Ford discussed what happened at the Planning Commission.

Nover read 1278.04(e)1

A. Wood, Ford and Nover-No, it could be used.

B. Wood, Ford and Nover-No, it does not apply.

C. Wood, Ford and Nover- Yes, noise is over limit.

D. Wood and Nover-No Ford-thought LeValley was told one thing and then turned down.

No other public comments.

Nover asked for motion on the variance requested from Jonathon LeValley.

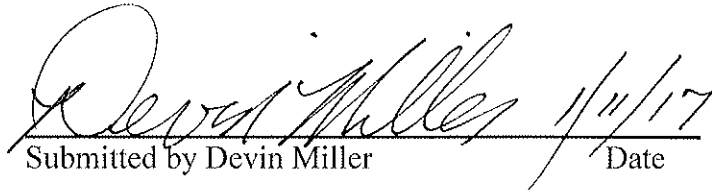
Moved by Wood, seconded by Ford to grant the variance requested. Wood, Nover and Ford said "No". Motion denied.

Variance was denied after reviewing all four requirements.

Nover asked LeValley to revisit Planning Commission and Nover would come with him. LeValley stated "but we are only going around and around and he is losing money".

Nover asked the Mayor if Planning Commission could grant him an ordinance amendment. Mayor stated Planning Commission could recommend an amendment to City Council and City Council could amend ordinance to change Home Occupancy to include Accessory Building but then all of the City Zoned R-1 would be allowed to use Accessory Building as a Home Occupation. Nover and Ford did not think this would be a good plan but Wood said he wouldn't close any doors.

ADJOURNMENT: 8:19 P.M.


Submitted by Devin Miller Date 1/11/17