

**Helena Township  
Zoning Board of Appeals  
Meeting  
May 18, 2020  
7:00 p.m.**

Motion on the Interpretation of the Zoning Ordinance Interpretation

The ZBA has been asked by the Planning Commission to interpret the Zoning Ordinance in relation to a request to amend a site plan. The question for the ZBA is whether an accessory building or structure is permitted in a proposed common area in the location depicted in the applicant's provided site plan amendment application.

After review of the Zoning Ordinance the ZBA finds that the Ordinance does not permit the request from the applicant. Under section 1.03 of the Zoning Ordinance titled, Definitions, Accessory Buildings are defined as "[a] subordinate building **on the same premises** with a principal building or a portion of the principal building and occupied or devoted to an accessory use." Similarly, under this definitions section an Accessory Structure is "[a] subordinate structure **on the same premises** with a principal building or portion of a principal building and devoted to an accessory use."

Section 5.01.01(A) does clarify that "[a]ccessory structures and buildings, including pole barns, shall be permitted subordinate to a dwelling. . . in the R-1. . . District only if there is an existing dwelling either **on the same lot or on a contiguous lot** that is under common ownership. Roadways do not negate contiguity."

Because lots 1 and 7-12 are not contiguous to the lot for the proposed storage units, any storage units for those lots would not be permitted in the common area under the language of the Zoning Ordinance.

Therefore, I make the motion that it is the ZBA's interpretation that the Zoning Ordinance does not permit the requested use.

Motion made by: **ROBBINS**  
Motion supported by: **FELTON**  
Ayes: **5**  
Nays: **0**

**MOGLOVKIN NOT VOTING**