

**EATON COUNTY BOARD OF APPEALS MINUTES**  
**March 5, 2019**

**Call to Order:** Chair Nikki Chmielewski, called the meeting to order at 6:00 p.m. in the Board of Commissioners Room at the Eaton County Courthouse, 1045 Independence Blvd, Charlotte, Michigan.

**Pledge of Flag:** The Pledge of Allegiance was given by all.

**Roll Call:** Nikki Chmielewski, Donald Chase, Charamy Cleary, Tim Cattron, and April Stopczynski.

**Staff Present:** Claudine Williams and Brandy Hatt

A motion was made by **Member Stopczynski** to approve the agenda for the March 5, 2019 meeting. **Member Cleary** supported. Motion carried

A motion was made by **Member Cleary** to approve the minutes from the January 8, 2018 meeting. **Member Chase** supported. Motion carried.

**Communications:** None

**Public Comment:** None

**BA-3-19-3:** Request by Katrina Madison for a variance from Zoning Ordinance Section 7.7.3 Minimum Setback from road right-of-way (building shall be a min of 67 feet from a road right-of-way) to allow for construction of a shed to be located 38 feet from the Flanders Road Right-of-Way at 2520 Island Highway, Sec. 16, Eaton Township.

**Staff Report:** Ms. Williams read the staff report into record.

**Member Cleary** asked if the shed will meet the required setbacks for Island Highway. Ms. Williams said yes.

**Applicants Statement:** Ms. Katrina Madison stated she does not have anything to add to the staff report; she would like to keep her shed. **Member Chase** asked Ms. Madison if her shed is on a foundation or cement pad. Ms. Madison said no, it is constructed with two by four boards. She stated she would only need to jack the building up to move it. **Member Chase** asked if moving the shed will affect her drain field. Ms. Madison said no, her drain field is located closer to Flanders Road and south of the proposed location of her shed. **Member Cleary** asked if the propane tank was moved. Ms. Madison said yes, the propane tank was moved from the front of the house, off Flanders Road, to the back of the house before she purchased the property.

**Speakers in favor:** None

**Speakers in opposition:** None

**Public hearing closed at 6:07 p.m.**

**Discussion/Comments:** **Member Chase** stated he drove by the property; it appears no matter where the shed is placed it will be too close to the Flanders Road Right-of-Way. **Member Chmielewski** stated the property was not created by Ms. Madison. She stated the shed is small; she has no issue with approval. **Member Cleary** and **Member Stopczynski** both agreed, the property is small and the applicant did not create the problem.

**Member Cleary moved to approve BA-3-19-3, Katrina Madison** for a variance from Zoning Ordinance Section 7.7.3 Minimum Setback from road right-of-way (building shall be a min of 67 feet from a road right-of-way) to allow for construction of a shed to be located 38 feet from the Flanders Road Right-of-Way at 2520 Island Highway, Sec. 16, Eaton Township. They find that;

- A. There is a practical difficulty in carrying out the strict letter of the ordinance due to the property being a very small corner lot with restrictions from two roads.
- B. There is a practical difficulty that is due to unique circumstances related to this particular property due to the property being a very small corner lot with restrictions from two roads.
- C. The applicant did not create the problem.
- D. Granting the variance will not alter the essential character of the district or neighborhood.
- E. This variance of twenty-nine (29) feet is in the minimum amount necessary.

**Member Chase** supported. A roll call vote was taken with five (5) voting aye and none (0) voting nay. Motion carried.

**BA-3-19-4:** Request by Darren Kiplinger for a variance from Zoning Ordinance Section 7.7.3 Minimum Setback from road right-of-way (buildings shall be a min of 67 feet from a road right-of-way) to allow for construction of a pole barn to be located 30 feet from the MDOT Clear Vision Right-of-Way at 64 Millerburg Road, Sec. 11, Carmel Township.

**Staff Report:** Ms. Williams read the staff report and e-mail from a neighboring property owner in support of the application into record.

**Member Chmielewski** asked if the Board of Appeals is only re-evaluating the request due to the findings from Michigan Department of Transportation; specifically, the setback to the Clear Vision Right-of-Way. Ms. Williams explained Mr. Kiplinger submitted an entirely new application and site plan to be heard by the Board of Appeals.

**Applicants Statement:** Mr. Darren Kiplinger stated he does not have anything to add to the staff report, but offered to answer questions. **Member Stopczynski** asked Mr. Kiplinger if his proposed building meets the setbacks to the M-79 Right-of-Way. Mr. Kiplinger stated he is not sure. Ms. Hatt stated the building will meet the setback to the M-79/Lawrence Highway Right-of-Way; she stated she has been to the property and worked with Mr. Kiplinger on his site plan.

**Member Catron** stated he inspected the property. He asked Mr. Kiplinger if the string running in a diagonal direction indicated where the Clear Vision Right-of-Way is located. Mr. Kiplinger said yes, the other string located on the property indicates sixty-seven foot setback to the Clear Vision Right-of-Way is located.

**Member Chmielewski** invited any speaker in favor or opposition to the request to make public comment.

**Speakers in favor:** Mr. Kevin Horton, 78 Millerburg Road, stated he lives next door to Mr. Kiplinger. He stated even with the trailers on his property, there is still plenty of clear vision area; the location of the barn would make for an even larger clear vision area. Mr. Horton stated he does not have a problem with Mr. Kiplinger's proposed location for his pole barn.

**Speakers in opposition:** None  
**Public hearing closed at 6:22 p.m.**

**Discussion/Comments:** **Member Chmielewski** stated most of the concerns discussed in November have been addressed and answered in the new application. **Member Cleary** stated she realizes the Board of Appeals has heard a few request for variances from Clear Vision Right-of-Ways, but in reality, there are not many properties with this issue. She stated the Clear Vision Right-of-Way is unique. **Member Cleary** added the Michigan Department of Transportation has given approval for the location of the pole barn.

**Member Chase** stated he was present at the November Board of Appeals Meeting; his biggest concern at that time was not having the approval from the state. He stated now that there is approval from Michigan Department of Transportation, they have a good foundation to work on. **Member Chmielewski** stated she feels better about the minimum amount necessary because the new application provided clarification. **Member Catron** stated prior to visiting the site, he thought there was more room behind the house where the building could possibly be moved to. He stated since visiting the site he realizes there is no room to build anything behind the house. **Member Catron** added the current proposed location is better than what was submitted in November.

**Member Chase** asked Mr. Kiplinger if the doors for his building will only be located on the north of the building. Mr. Kiplinger stated he will also have doors on the west of the building.

**Member Chase moved to approve BA-3-19-4, Darren Kiplinger** for a variance from Zoning Ordinance Section 7.7.3 Minimum Setback from road right-of-way (buildings shall be a min of 67 feet from a road right-of-way) to allow for construction of a pole barn to be located 30 feet from the MDOT Clear Vision Right-of-Way at 64 Millerburg Road, Sec. 11, Carmel Township. They find that;

- A. There is a practical difficulty in carrying out the strict letter of the ordinance as the Clear Vision Right-of-Way area is still Mr. Kiplinger's property.
- B. There is a practical difficulty that is due to unique circumstances related to this particular property due to the location of the Clear Vision Right-of-Way on the property.
- C. The applicant did not create the problem.
- D. Granting the variance will not alter the essential character of the district or neighborhood.
- E. This variance in the amount of thirty-seven (37) feet, is in the minimum amount necessary.

**Member Stopczynski** supported. A roll call vote was taken with five (5) voting aye and none (0) voting nay. Motion carried.

**Old Business:** None

**Public Comments:** None

**New Business: Member Catron** stated he would like the Zoning Ordinance Committee to consider an amendment to the Zoning Ordinance to reduce the setback required to a Clear Vision Right-of-Way.

**Upcoming Cases:** Ms. Williams informed the Board of Appeals there is one application to be heard at their April 2, 2019 meeting.

A motion was made by **Member Chase** to adjourn the March 5, 2019 Board of Appeals meeting. **Member Stopczynski** supported. Meeting adjourned at 6:27 p.m.