

EATON COUNTY BOARD OF APPEALS MINUTES
February 2, 2021

The Eaton County Board of Appeals met virtually as permitted by Public Act 228 of 2020.

Call to Order: Ms. Claudine Williams, Director of the Community Development Department, called the meeting to order at 6:00 p.m.

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

Roll Call: Members announced during roll call the location from which they are attending remotely as follows.

Nikki Chmielewski, their residence in the City of Charlotte, Eaton County, MI
Donald Chase, their residence in Bellevue Township, Eaton County, MI
April Stopczynski, their residence in Chester Township, Eaton County, MI
Jeremy Whittum, their residence in Hamlin Township, Eaton County, MI

Absent: Tim Cattron

Staff Present: Claudine Williams and Brandy Hatt

Nominations and elections of Board Chairperson, Vice Chairperson and Secretary.

Ms. Williams asked for nominations for Chairperson. **Member Stopczynski** nominated Member Chmielewski. **Member Whittum** seconded. **Member Whittum** moved nominations be closed and a unanimous ballot cast for Member Chmielewski. **Member Stopczynski** seconded. Motion carried by unanimous roll call.

Member Chmielewski assumed the responsibility of presiding over the meeting.

Member Chmielewski asked for nominations for Vice Chair. **Member Stopczynski** nominated Member Chase. **Member Whittum** seconded. **Member Whittum** moved nominations be closed and a unanimous ballot cast for Member Chase. **Member Stopczynski** seconded. Motion carried by unanimous roll call.

Member Chmielewski asked for nominations for Secretary. **Member Whittum** nominated Member Stopczynski. **Member Chase** seconded. **Member Whittum** moved nominations be closed and a unanimous ballot be cast for Member Stopczynski. **Member Chase** supported. Motion carried by unanimous roll call.

Member Whittum moved to close elections. **Member Chase** supported. Motion carried by unanimous roll call.

Agenda Approval: A motion was made by **Member Whittum** to approve the agenda for the February 2, 2021 meeting. **Member Stopczynski** supported. Motion carried by unanimous roll call.

Minutes Approval: A motion was made by **Member Stopczynski** to approve the minutes from the September 1, 2020 meeting as written. **Member Chase** supported. Motion carried by unanimous roll call.

Communications: None

Public Comment: None

BA-2-21-1: Request by Williams Farm Machinery for a variance from Ordinance Section 11.9 Sign Requirements, to allow for a sign one hundred thirty-nine (139) square feet in size which is thirty-nine (39) square feet larger than allowed, at 1115 Lansing Road, Sec. 8, Eaton Township.

Staff Report: Ms. Williams read the staff report and Site Plan Review Response from Eaton Conservation District into record.

Applicants Statement: Mr. Stacy Darling stated he has nothing to add, but offered to answer any questions.

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

Speakers in favor: None

Speakers in opposition: None

Public hearing closed at 6:18 p.m.

Discussion/Comments: **Member Whittum** stated the Zoning Board of Appeals has granted the same variance previously; he does not object to granting the variance. **Member Chmielewski** stated the applicant has made a reasonable compromise; she believes they are trying to work with the board on a solution.

Member Chase asked staff how the board should handle finding for the practical difficulty due to the property. Ms. Williams stated the board would need to discuss the request and determine if there is a practical difficulty. **Member Chmielewski** stated she agrees with Ms. Williams, that is a discussion for the board; she also stated it is addressed in the staff report.

Member Chmielewski noted the board may have to be creative; they could possibly rely on the contract, as the contract is tied to the use of the property. **Member Whittum** stated the situation is not the fault of Williams Farm Machinery; it is due to AGCO and their franchise requirements. **Member Stopczynski** stated she believes it is a unique situation for the property due to the contract and the available materials.

Member Chase asked about Zoning Ordinance Section 11.9, Schedule A. Ms. Hatt stated the document gives the sign requirements for each type of business. **Member Chmielewski** stated Ms. Williams has shared the document on the computer screen if he would like to review it.

Member Whittum moved to approve BA-2-21-1, Williams Farm Machinery for a variance from Zoning Ordinance Section 11.9 Sign Requirements, to allow for a sign one hundred thirty-nine (139) square feet in size, which is thirty-nine (39) square feet larger than allowed, at 1115 Lansing Road, Sec. 8, Eaton Township. They find that:

- A. There is a practical difficulty in carrying out the strict letter of the ordinance due to the franchisee requirement to be compliant with their contract.
- B. There is a practical difficulty due to unique circumstances related to this particular property due the franchisee requirement to be compliant with their contract.

- C. The applicant did not create the problem; rather the problem is due to AGCO, which is the parent company. For Williams Farm Machinery to be a franchisee they are required to be compliant with the signage requirement of the parent company.
- D. Granting the variance will not alter the essential character of the district or neighborhood.
- E. Every variance granted shall be in the minimum amount necessary to overcome the inequity inherent in the particular property. This variance is for thirty-nine (39) square feet which is the minimum.

Member Stopczynski supported. A roll call vote was taken with four (4) voting aye and none (0) voting nay. Motion carried by unanimous roll call.

Upcoming Cases: Ms. Williams informed the Board of Appeals there is one (1) application to be heard at their March 2, 2021 meeting.

Public Comments: None

A motion was made by **Member Whittum** to adjourn the February 2, 2021 Board of Appeals meeting. **Member Chase** supported. Meeting adjourned at 6:27 p.m.