

EATON COUNTY BOARD OF APPEALS MINUTES
April 5, 2022

Call to Order: Vice-chair Donald Chase, called the meeting to order at 6:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

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

Roll Call: Donald Chase, April Stopczynski, Tim Cattron, Charamy Cleary, and Jeremy Whittum

Absent: Nikki Chmielewski

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Member Whittum** to approve the agenda for the April 5, 2022 meeting. **Member Cattron** supported. Motion carried.

Minutes Approval: Ms. Williams stated our attorney had suggested some clerical changes to the meeting minutes; she read each suggested change into record.

A motion was made by **Member Whittum** to approve the minutes with the proposed changes as recommended by Eaton County's attorney from the March 1, 2022 meeting. **Member Cleary** supported. Motion carried.

Communications: None

Public Comment: None

BA-4-22-2: Request by Seth and Jill Cords for a variance from Zoning Ordinance Sections 7.7.1 Minimum Lot Width in feet and 7.7.2 Minimum Lot Area in Square Feet to allow for the creation of a 30,000 square foot (.68 acre) parcel with 100 feet of road frontage at 4687 Thornton Highway, Sec. 32, Carmel Township.

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

Member Cleary stated the aerial photo is dark and hard to see. **Member Cattron** showed the Board of Appeals Members an aerial photo of the property on his computer. Ms. Williams stated no matter what the applicant chose to do with the property, a variance would be required.

Member Stopczynski ask when the neighboring property was created. Ms. Miller stated per county records the property was created in the 1970's.

Applicants Statement: Mr. Seth Cords stated to be able to sell this property, he needs a variance. He said he would prefer the south property line not go any further into the farm property than necessary. He added when his grandfather created the property, he did not intend to sell it. Mr. Cords stated he is not changing anything, he just wants to square off the property so he can sell it.

Member Stopczynski asked if there is a garage or attached garage on the smaller proposed property. Mr. Cords said no. **Member Stopczynski** asked if there are any additional wells or drain fields located between the house and the proposed property line. Mr. Cords said no, the well is located twenty-five to thirty feet from the back of the house.

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

Speakers in favor of the application: None

Speakers in opposed to the application: None

Public hearing closed at 6:21 p.m.

Board of Appeals Discussion/Comments:

Member Whittum stated he understands the intent to square the property lines and noted the potential buyer is not relevant. He stated it is easier to navigate working the farm and prevents disputes with one property line.

Member Cleary moved to approve BA-4-22-2, Seth and Jill Cords for a variance from Zoning Ordinance Sections 7.7.1 Minimum Lot Width in feet and 7.7.2 Minimum Lot Area in Square Feet to allow for the creation of a 30,000 square foot (.68 acre) parcel with 100 feet of road frontage at 4687 Thornton Highway, Sec. 32, Carmel Township. They find that:

- A. There is a practical difficulty in carrying out the strict letter of the ordinance; any solution would require a variance.
- B. There is a practical difficulty due to unique circumstances related to this particular property.
- C. The applicant did not create the problem; the issue began in the 1970's and continued in the 1990's.
- D. Granting the variance will not alter the essential character of the district or neighborhood; the proposed parcel is a duplicate to the parcel next door.
- E. Every variance granted shall be in the minimum amount necessary to overcome the inequity inherent in the particular property. The variance is in the minimum amount and requires the least amount of disruption to the farm operation and neighborhood. The variance will also help eliminate issues for the new property owners.

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

Member Stopczynski stated she is concerned that the future purchasers have very little option to build a storage building; there is only a small space in the back that she hopes would be sufficient. **Member Cleary** stated she thought the same thing. **Member Cattron** stated he went though the same situation when he constructed his home.

Upcoming Cases: Ms. Williams informed the Board of Appeals there are no applications to be heard in May.

Old Business: none

New Business: none

Public Comment: none

Member Cleary asked Ms. Williams for an update regarding BA-2-22-1. Ms. Williams stated to her knowledge an appeal of the Boards decision has not been filed in Circuit Court.

A motion was made by **Member Cleary** to adjourn the April 5, 2022 Board of Appeals meeting. **Member Catron** supported.

Meeting adjourned at 6:28 p.m.