

EATON COUNTY BOARD OF APPEALS MINUTES
August 6, 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, April Stopczynski, Charamy Cleary, and Tim Cattron.

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Member Cleary** to approve the agenda for the August 6, 2019 meeting. **Member Cattron** supported. Motion carried

Minutes Approval: A motion was made by **Member Stopczynski** to approve the minutes from the July 9, 2019 meeting. **Member Cattron** supported. Motion carried.

Communications: None

Public Comment: None

BA-8-19-11: Request by Karen Dowding Trust 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 26' x 40' pole barn to be located 31 feet from the David Drive Right-of-Way at 2898 David Drive, Sec. 33, Brookfield Township.

Staff Report: Ms. Williams read the staff report and Site Plan Review response from Brookfield Township and Barry-Eaton District Health Department into record.

Member Stopczynski asked if the applicant provided the total square footage of the property covered. Ms. Hatt said no, however, the existing structures do not cover more than twenty percent of the property. **Member Stopczynski** asked if that includes the proposed structure. Ms. Hatt said yes.

Member Cattron asked if the proposed building could be considered a legal non-conformity. Ms. Williams said no because it is not attached to the house. **Member Chmielewski** asked if the house is considered a legal non-conformity. Ms. Williams said yes.

Applicants Statement: Ms. Karen Dowding stated she has nothing to add to the staff report, but offered to answer questions. **Member Cleary** asked if there are any other reasons in addition to the location to the play are that would prevent the building meeting the required setbacks. Mr. Maurice Dowding stated the front of the lot has little value to them; the back of the lot is the area they use.

Member Stopczynski asked where the drainfield and septic are located. **Member Cleary** stated the property is hooked to public sewer; there is not a drainfield on the property. Ms. Dowding stated the well is located behind the house.

Member Chase asked Mr. Dowding who owns the property where the airplane hangar is located. Mr. Dowding said they own it.

Member Stopczynski asked if the proposed building would replace existing buildings. Mr. Dowding said yes, the proposed building will replace a shed and dog house. **Member Cattron** asked if the proposed building would be built on an existing slab. Mr. Dowding said no.

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 6:09 p.m.

Discussion/Comments: **Member Chmielewski** stated the location of a play area does not seem like enough of an answer to approve this request. **Member Chase** stated he does not see where the play area can currently be seen from the house. **Member Cattron** stated he thought the applicants stated the children play behind the house. **Member Chase** stated he sees that there are other options that allow the building to meet the required setbacks; they own the property where the hanger is, they could move the play area. **Member Chase** stated he believes the board should deny the request. **Member Cleary** stated there are several options to construct the building and meet the setbacks.

Member Cattron stated he does not have an objection, because all the other buildings on the road are closer that where they should be. **Member Chase** stated a building of this size could sick out. **Member Chmielewski** stated approving this variance could set a precedence for other properties on the road that which to have detached accessory buildings.

Member Cleary moved to deny BA-8-19-11, Karen Dowding Trust 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 26' x 40' pole barn to be located 31 feet from the David Drive Right-of-Way at 2898 David Drive, Sec. 33, Brookfield Township. They find that:

- A. There is not a practical difficulty in carrying out the strict letter of the ordinance.
- B. There is not a practical difficulty due to unique circumstances related to this particular property.
- C. The applicant created the problem.
- D. Granting the variance would alter the essential character of the district or neighborhood as it would set a precedence.
- E. This variance request is not 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

New Business: Ms. Williams stated there is a conflict with the Board of Appeals September 10th meeting. She stated the Board of Commissioners also has a meeting on September 10th. Ms. Williams stated the Board of Appeals has three cases to hear in September, she asked if the board would like to amend their calendar.

Member Cleary moved to amend the Board of Appeals 2019 Meeting Calendar to reflect a September 3, 2019 meeting date. **Member Stopczynski** supported. All in favor. Motion Carried.

Ms. Williams stated the Board of Appeals received a request of extension of time from Mr. Lynn Ball in reference to BA-11-18-11. Ms. Williams stated Mr. Ball cites the weather and the schedule of his contractor as reasons for why the driveway to his home has not been constructed by the required August 1st deadline. She stated Mr. Ball is requesting a thirty-day extension. Ms. Hatt stated she issued Mr. Ball a ticket on August 1st; he has already paid the ticket and has informed her the driveway will be started on August 12th.

Member Cleary moved to grant a thirty-day extension to Mr. Lynn Ball for the construction of the driveway on his property to his home as required by BA-11-18-11. **Member Catton** supported. All in favor. Motion carried.

Public Comments: None

Upcoming Cases: Ms. Williams informed the Board of Appeals there are three applications to be heard at their September 3, 2019 meeting. **Member Catton** stated he will attend the meeting to hear the first two cases. Ms. Williams stated Member Catton cannot hear the application requesting to review the decision of the Planning Commission because he sits on the Planning Commission and heard the Conditional Use Permit Application.

A motion was made by **Member Cleary** to adjourn the August 6, 2019 Board of Appeals meeting. **Member Chase** supported. Meeting adjourned at 6:19 p.m.