

EATON COUNTY BOARD OF APPEALS MINUTES
May 2, 2017

Call to Order: Chair Mark Stahl 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: Mark Stahl, Michael Bell, Charamy Cleary, Tim Cattron and Donald Chase

Absent: Nikki Chmielewski

Staff Present: Claudine Williams and Brandy Hatt

A motion was made by **Member Cleary** to approve the agenda for the May 2, 2017 meeting. **Member Chase** supported. Motion carried.

A motion was made by **Member Cleary** to approve the minutes from the April 4, 2017 meeting with an amendment on page three to correct the spelling of Member Cleary's name. **Member Cattron** supported. Motion carried.

Communications: None

Public Comment: None

BA-5-17-4: Request by Thomas Henderson for a variance from Ordinance Sections 6.5.4 Temporary Buildings, 6.2.10. B Detached Accessory Buildings and 7.7.3 Setback from Road Right of Way, to allow for a 1986 jobsite trailer to be considered a detached accessory building and for it to be located 7' 6" from an existing building and 50 feet from the Gunnell Road Right-of-Way. The property is located at 1035 S. Gunnell Road, Section 21, Eaton Rapids Township.

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

Member Cleary asked staff if the setback to the existing building is 7' 8" or 7' 6". Ms. Williams stated the site plan shows 7' 6". Ms. Hatt stated Mr. Henderson's contractor measured the setbacks and wrote them on the site plan.

Applicants Statement: Mr. Thomas Henderson stated the staff report is accurate and offered to answer any questions. **Member Bell** noted Mr. Henderson in his application states the property is hilly; he asked Mr. Henderson to explain the property. Mr. Henderson said the property is in a valley and all of his flat land is currently used. **Member Cattron** stated his visited the site, it is very hilly. He asked Mr. Henderson if the trailer could be moved to the north of the garage. Mr. Henderson stated there is a consumers energy power line that goes over the north side of his garage that feeds into his house. He states he is not sure what the consumers energy requirements are. He also noted he did not place the job-site trailer to the north of his garage so his view of the property is not obstructed. Mr. Henderson stated the current location of the job-site trailer is perfect for his wheelchair access to his garage and job-site trailer, which is where his wood and metal shops are located. He stated if he relocates the job-site trailer he would not have wheelchair access to it.

Member Cattron asked if consumers would allow Mr. Henderson to place the job-site trailer to the north of the building. **Member Cleary** stated her neighbor was able to obtain a variance from consumers.

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

Speakers in favor: Mr. Scott Wilson, Eaton Rapids Township Supervisor, stated the Eaton Rapids Township Board is in support of the request and does not see any issue with the use of the structure at this time.

Speakers in opposition: none

Public hearing closed at 6:14 p.m.

Discussion/Comments: Ms. Hatt explained the difference between the jobsite trailer and a modular building and how a building permit would be obtained. She stated the axles and tires would be removed and the building would be placed on a foundation meeting the State of Michigan Building Code. **Member Cleary** asked if the jobsite trailer and a modular building are one in the same. Ms. Hatt said no, they are titled differently through the Department of State; however they are constructed similarly.

Member Cleary said she is not concerned about the setback to the right-of-way, but is possibly concerned about the setback to the existing building. **Member Stahl** stated if the structure is moved it would be closer to the right-of-way. Ms. Hatt stated it would also be closer to high tension power lines. **Member Catron** stated Gunnell Road also has a drop off in the same location as the structure. **Member Stahl** stated the building cannot be moved to the east because of the location of the septic field. He stated he believes the location of the residence, attached garage and existing structure hinders the placement of the structure. He also stated the layout of the current utilities hinders the placement of the structure.

Member Catron stated the only level portions of the property are where his existing structures are located. **Member Stahl** noted the property is only two acres in size. He stated he is struggling with Item C, but noted it is titled as a job site trailer.

Member Cleary stated she is struggling with the different classification the State of Michigan has for these type of structures. She stated she is more comfortable knowing the building will be a permanent structure by doing what is needed by Construction Codes and therefore is not sure it matters how it is titled. **Member Bell** stated he does not have a problem with it if the jobsite trailer can be made a permanent structure.

Member Cleary stated there is no age requirement for a jobsite trailer, there is active construction on the property, Mr. Henderson is willing to go through the process to make it a permanent structure and she is not sure Mr. Henderson created the setback issues.

Member Cleary moved to approve BA-5-17-4 Thomas Henderson for a variance from Ordinance Sections 6.5.4 Temporary Buildings, 6.2.10. B Detached Accessory Buildings and 7.7.3 Setback from Road Right of Way, to allow for a 1986 jobsite trailer to be considered a detached accessory building and for it to be located 7' 6" from an existing building and 50 feet from the Gunnell Road Right-of-Way. The property is located at 1035 S. Gunnell Road, Section 21, Eaton Rapids Township. They find that;

- A. There is a practical difficulty in carrying out the strict letter of the ordinance due to the way the property is laid out, the lay of the land, and the location of existing utilities.
- B. The practical difficulty is due to unique circumstances related to this particular property; because of the layout of the land, location of existing utilities and the location of the existing building.
- C. The applicant did not create the problem.
- D. Granting the variance will not alter the essential character of the district or neighborhood because of the land characteristics.
- E. This variance in the amount of 2' 6" from an existing structure and 17' from the Gunnell Road Right-of-Way is in the minimum amount necessary to overcome the inequity of this parcel. Also, the building will be considered a detached accessory building as long as it meets the requirements of Construction Codes.

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

BA-5-17-5: Request by Hans Lonnemo for a variance from Ordinance Sections 7.7.3 and 6.2.10 B to allow for a carport to be located 7 feet from an existing dwelling, 0 feet from an existing shed and 4 feet from the Lakeview Drive Right-of-Way. The property is located at 6926 Lakeview Drive, Section 25, Kalamo Township.

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

Member Stahl asked about not being able to attach the carport to the existing shed. Ms. Hatt explained the difference between the two foundation systems and why the buildings cannot be attached per the State of Michigan Building Code. A brief discussion was held regarding what does and does not require a building permit.

Applicants Statement: Mr. Hans Lonnemo stated he would like to emphasize his property is a small lake front property. **Member Bell** asked Mr. Lonnemo how his carport is anchored to the ground. Mr. Lonnemo stated the carport is anchored to the ground by eight auger anchors. He stated it was constructed by contractors. **Member Chase** asked if anyone else in his neighborhood has a similar carport. Mr. Lonnemo said no.

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

Speakers in favor: Mr. Mike McKeon, 6916 Lakeview Drive, stated he lives next door to the property and does not have an issue with Mr. Lonnemo's carport. He said it is a nice unit. Mr. McKeon stated its current location is really the only place on the property for it. He noted he watched the contactors construct the carport; they were professionals and used mobile home anchors to anchor the carport to the ground.

Ms. Julie Wilson, 6950 Lakeview Drive, stated she lives two houses down from Mr. Lonnemo's property. She stated his carport does not obstruct any view. She said the current location of the carport is perfect.

Mr. Bill Wilson, 6950 Lakeview Drive, stated he is Mrs. Julie Wilson's husband. Mr. Wilson stated six people have lived in Mr. Lonnemo's home over the past several years. He said they are thankful Mr. Lonnemo currently lives in this home as he is helpful and does not bother anyone. He stated they can still see down the road because the sides on the carport are high. Mr. Wilson stated he has no object to the carport.

Speakers in opposition: none

Public hearing closed at 6:37 p.m.

Member Cleary asked how difficult the application would be if the structure were an actual garage; she stated a carport is the best option for the property. **Member Stahl** stated the lot is unique as the other lots in the plat own property across the road from their lake front properties. He stated Mr. Lonnemo's property is .2 acres; he has a house, well, septic and drain field. There is no room for anything else on the property. **Member Chase** stated he is more concerned about the location of the propane tank. He stated he has driven out to the neighborhood several times in the past month; he noted there is a drop line for consumer's power and several other things that are questionable, but this carport is not one of them.

Member Cleary moved to approve BA-5-17-5 Hans Lonnemo for a variance from Ordinance Sections 7.7.3 and 6.2.10 B to allow for a carport to be located 7 feet from an existing dwelling, 0 feet from an existing shed and 4 feet from the Lakeview Drive Right-of-Way. The property is located at 6926 Lakeview Drive, Section 25, Kalamo Township. They find that;

- A. There is a practical difficulty in carrying out the strict letter of the ordinance due to the size of the lot and the layout of the property (location of septic, reserve, well and house).
- B. The practical difficulty is due to unique circumstances related to this particular property because all other lake front properties also own the property across the road.
- 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 2 feet from an existing dwelling, 10 feet from an existing shed and 36 feet from the Lakeview Drive Right-of-Way is in the minimum amount necessary to overcome the inequity of this parcel.

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

Old Business: None

New Business:

Upcoming Cases: Ms. Williams informed the Board of Appeals there are three cases to be heard at the June 6, 2017 meeting.

Public Comments: Mr. Bill Wilson, 6950 Lakeview Drive, thanked Ms. Hatt for her assistance with the placement of their sidewalk.

A motion was made by **Member Cleary** to adjourn the May 2, 2017 Board of Appeals meeting. **Member Catron** supported. Meeting adjourned at 6:44 p.m.