

**EATON COUNTY BOARD OF APPEALS MINUTES**  
**July 7, 2020**

**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.

**Absent:** none

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

**Agenda Approval:** A motion was made by **Member Cleary** to approve the agenda for the July 7, 2020, meeting. **Member Cattron** supported. Motion carried.

**Minutes Approval:** A motion was made by **Member Cleary** to approve the minutes from the February 4, 2020, meeting as written. **Member Chase** supported. Motion carried.

**Communications:** None

**Public Comment:** None

**BA-4-20-1:** Request by Theodore Meyers for a variance from Zoning Ordinance Section 7.4A.2. A. Accessory Buildings and Accessory Uses to allow for a second accessory building at 8776 Spore Hwy, Section 22, Kalamo Township.

**Staff Report:** Ms. Williams read the staff.

**Applicants Statement:** Mr. Meyers offered to answer questions. **Member Cleary** asked Mr. Meyers about the setback to the rear of the property. Mr. Meyers said it is 10 feet from the shed to the rear property line.

**Member Cattron** said the aerial photo shows something with a shiny roof to east and asked if it was an RV or a building. Mr. Meyers stated it was an RV. **Mr. Cattron** asked if the shed was the only building other than the house in the aerial photo. Mr. Myers said yes.

**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 6:10 p.m.**

**Discussion/Comments:** **Member Cleary** noted her struggle with requiring the shed to be torn down. **Member Chmielewski** noted there have been similar cases in the past they approved due to the fact the property owner could not have an attached garage. Member Cleary said

that is not the case here as a new garage was just built on the property. **Member Cattron** said he is struggling with how the request meets item A, what is the practical difficulty.

**Member Chase** stated he knows this area of the county well. He said originally a railroad was supposed to go through and that is how Spore Street got its name. He feels this property has the same uniqueness as lake property, it is small and the Board has allowed larger pole barns on small properties before. **Member Chase** added Mr. Meyers has done a tremendous job improving the whole neighborhood and he would hate to make him tear down the shed. **Member Chmielewski** pointed out the Narrow Lake property was for one accessory building to allow the owner a place to park.

**Member Stopczynski** said she struggles with the request meeting the requirements A-E. Ms. Hatt asked Mr. Meyers if there was a way to add on to the new building and still meet setbacks. Mr. Meyers said due to the property layout and location of things it would not be possible to add on and meet all setbacks.

**Member Chase** stated other properties in the area had secondary out buildings. Discussion was held.

**Member Chase** asked if the shed was on a cement slab. Mr. Meyers said yes it was. Member Chase commented it would be cumbersome to take the concrete out and remove it. More discussion was held in reference to the parcel zoning, size and location of the already constructed building its setbacks, and the location of the drainfield reserve area.

Ms. Hatt asked Mr. Meyers what year the shed was placed on the property. Mr. Meyers said he did not know, it was there when he purchased the home in 2010. Ms. Hatt asked if it was possible the shed was there prior to 1981. Mr. Meyers said he did not know.

**Member Cattron** asked everyone to consider if they would approve the variance for the shed if it was not already there.

**Member Chase** asked if Mr. Meyers was aware the shed had to be removed when he obtained the building permit. Mr. Meyers said yes, he knew that. He added he originally wanted to build a bigger building, when he found out he couldn't he tried to work within the size limitation. He said now that the building is done, he realizes there is only enough room two vehicles, a ten foot long work bench and a lawnmower that has to be parked in the middle between the cars. Mr. Meyers stated he needs the shed to store his lawn equipment. **Member Cattron** asked if there was a propane tank on the east side of the shed. Mr. Meyers said yes, it is the propane tank for the house. Member Cattron noted there would be gas lines in that area.

**Member Chase moved to deny BA-4-20-1, Theodore Meyers** for a variance from Zoning Ordinance Section 7.4A.2. A. Accessory Buildings and Accessory Uses to allow for a second accessory building at 8776 Spore Hwy, Section 22, Kalamo Township. They find that;

- A. There is no practical difficulty in carrying out the strict letter of the ordinance. Other requests with similar issues have been denied.
- B. There is not a practical difficulty due to unique circumstances related to this particular property. Mr. Meyers agreed to remove the shed as part of the building permit, showing there is nothing unique that creates a practical difficulty.
- C. The applicant created the problem.

- 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. Because there is no practical difficulty or unique circumstance as identified in items A and B, there is no inherent inequity to this property.

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

**Old Business:** None

**New Business:** None

**Public Comments:** None

**Upcoming Cases:** Ms. Williams informed the Board of Appeals there is one case for their August 4, 2020 meeting.

**Member Cleary** asked Ms. Williams for an update on the Dowding Circuit Court of Appeals case. Ms. Williams explained due to a Zoning Ordinance amendment reducing the road right-of-way setback area on Limited Agricultural zoned properties, the Dowding's decided not to move forward with their appeal of the Board of Appeals decision. She said they have obtained a building permit for the pole barn and have started construction within the new setback requirements.

A motion was made by **Member Cleary** to adjourn the July 7, 2020 Board of Appeals meeting. **Member Chase** supported. Meeting adjourned at 6:41 p.m.