

EATON COUNTY BOARD OF APPEALS MINUTES
August 3, 2021

Call to Order: Chair Nikki Chmielewski, 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: Nikki Chmielewski, Donald Chase, April Stopczynski, Tim Cattron, and Jeremy Whittum

Absent: Charamy Cleary

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Member Whittum** to approve the agenda for the August 3, 2021 meeting. **Member Chase** supported. Motion carried.

Minutes Approval: A motion was made by **Member Stopczynski** to approve the minutes from the June 1, 2021 meeting as written. **Member Chase** supported. Motion carried.

Communications: None

Public Comment: None

BA-8-21-5: Request by Eaton Rapids Township for a variance from Zoning Ordinance Section 14.10.2. A. Regulations and Conditions for a Government Facility (structures shall be no closer than 50 feet to any property line) to allow for construction of an accessory building to be located 14 feet from the north side property line; variance amount requested is 36 feet. The property is located at 2512 S. Canal Rd., Sec. 27, Eaton Rapids Township.

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

Member Chmielewski asked if staff knows why the requirements are different for government buildings. Ms. Williams stated schools are required to meet the same setbacks and noted they are both allowed in all zoning districts.

Member Chase asked if other townships have made the same request. Ms. Williams said yes, Benton Township.

Member Cattron asked if the Board of Appeals decides the fifty-foot setback does not make sense, could they forgo answering items A through E. Ms. Williams stated items A through E still need to be addressed; however, the Board of Appeals could ask the Zoning Ordinance Committee to look at changing the requirements.

Applicants Statement: Mr. Bernie Morgan, stated he was present on behalf of Eaton Rapids Township; he said they were unaware of the fifty-foot setback. He stated they would like to have the shed to get items out of the township hall and to avoid going up and down stairs.

Member Chase asked why the township chose the location for the shed. Mr. Morgan stated the proposed location is the only place for the shed due to the location of the drain field and reserve area and their parking lot. **Member Catttron** asked Mr. Morgan where the reserve area is located. Mr. Morgan stated the reserve area is located behind the parking lot. **Member Catttron** asked if it is in the area identified as one-hundred, twenty-three feet on the site plan. Mr. Morgan 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 6:12 p.m.

Discussion/Comments: **Member Chase** stated he does not have a problem with the request because it has been granted before. **Member Chmielewski** stated she does not have any concerns in regards to a practicality standpoint; she would not want to put the township hall that close to the property line, but we are talking about a one-hundred, twenty square foot shed.

Member Catttron stated he does not have a problem with the request. **Member Whittum** stated the practical difficulty of the parking area. **Member Chmielewski** stated she is concerned about item E. **Member Whittum** stated this is the minimum amount for a property maintenance building. Ms. Hatt stated there is also a snow removal area required per Article 10 of the Zoning Ordinance.

Member Chmielewski asked that the Zoning Ordinance Committee consider reducing the setbacks for accessory buildings for government facilities. Ms. Williams stated the Zoning Ordinance Committee is meeting later this month and she will convey the request.

Member Stopczynski stated they could have gone ten feet from the property line, but the building is setback fourteen feet from the property line. **Member Chmielewski** agreed.

Member Whittum moved to approve BA-8-21-5, Eaton Rapids Township for a variance from Zoning Ordinance Section 14.10.2. A. Regulations and Conditions for a Government Facility (structures shall be no closer than 50 feet to any property line) to allow for construction of an accessory building to be located 14 feet from the north side property line; variance amount requested is 36 feet. The property is located at 2512 S. Canal Rd., Sec. 27, Eaton Rapids Township. They find that:

- A. There is a practical difficulty in carrying out the strict letter of the ordinance; due to the location of the septic and reserve area and the acreage of the property.
- B. There is a practical difficulty due to unique circumstances related to this particular property; due being the smallest lot in the neighborhood and only other location is the parking lot.
- C. The applicant did not create the problem; the well is existing.
- D. Granting the variance will not alter the essential character of the district or neighborhood; will not be seen from the road and there is a green buffer and fence at the road.

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 due to the location of the snow removal area and the drainfield reserve area.

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

Upcoming Cases: Ms. Williams informed the Board of Appeals there are no applications to be heard at their September 14, 2021 meeting.

Public Comment: none

A motion was made by **Member Chase** to adjourn the August 3, 2021 Board of Appeals meeting. **Member Stopczynski** supported. Meeting adjourned at 6:21 p.m.