

EATON COUNTY BOARD OF APPEALS MINUTES
December 7, 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 Charamy Cleary

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Member Cleary** to approve the agenda for the December 7, 2021 meeting. **Member Stopczynski** supported. Motion carried.

Minutes Approval: A motion was made by **Member Cattron** to approve the minutes from the August 3, 2021 meeting as written. **Member Stopczynski** supported. Motion carried.

Communications: None

Public Comment: None

BA-12-21-6: Request by Lee Sifton for a variance from Zoning Ordinance Section 7.7.3 Minimum Setback from road right-of-way (building shall be a min of 50 feet from a road right-of-way) to allow for a pole building to be located 25 feet from the Delnora Drive Right-of-Way at 2151 Carlisle Highway, Sec. 22, Carmel Township.

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

Member Chmielewski asked if the house is outside of the required setback. Ms. Williams stated the house is twenty-five feet from the private road easement. Ms. Miller stated the home was constructed in 1972; the setback from the home to the private road easement is a legal non-conformity.

Member Stopczynski asked which site plan was submitted by the applicant and which one was one approved by the Barry-Eaton District Health Department. Ms. Williams stated the Barry-Eaton District Health Department site plan is right after the staff report; the applicant's site plans are after his application.

Member Cleary asked for the width of the Delnora Drive Right-of-Way. Ms. Williams stated the Delnora Drive Right-of-Way is thirty feet wide.

Applicants Statement: Mr. Lee Sifton offered to answer questions. **Member Chmielewski** asked Mr. Sifton how he plans to access the barn. Mr. Sifton stated by means of his property. **Member Chmielewski** asked Mr. Sifton if he would use his driveway. Mr. Sifton said no, the barn is mainly for a horse.

Member Chase stated he is confused by the answers in the application, this is a two and three quarter acre parcel; where will the pasture be located for the horse. He stated he is concerned

about how the site will be accessed to build the barn in the proposed location. Mr. Sifton stated he would drive across his property. **Member Chase** asked if there is a reason he cannot access the road. Mr. Sifton stated all of his neighbors would allow him, but the county will not. Ms. Miller explained Delnora Drive was approved by way of a variance, which allowed for the thirty-foot right-of-way and limited the access to only three parcels. She stated Mr. Sifton would need to apply for a variance to have access to Delnora Drive without bringing the road up to current standards.

Member Cattron asked if Mr. Sifton would require a written agreement with all of the landowners to access the road. Mr. Sifton stated that would not have been a problem, he could have brought his neighbors with him tonight.

Member Cattron stated this is a large piece of property, he asked Mr. Sifton why he does not want to build the barn elsewhere. Mr. Sifton stated where he has proposed to construct the building is the highest part of the property. He stated he is trying to plan for the property; this is a nice location for the pole barn and places it in the corner of the pasture instead of in the middle.

Member Cleary asked why the proposed location; she stated when the Board of Appeals grants a variance, it is an exception to the rules because there are not alternatives. She said she did not see why the barn had to be in this location and asked Mr. Sifton why he could not place it 50 feet from the right-of-way. Mr. Sifton stated his house is located twenty-five feet from the right-of-way; the further away from the right-of-way he goes, the lower the corner of the building will be. Mr. Sifton stated he does not have the equipment to build the barn elsewhere on his property due to the elevation. He stated the proposed area is a common sense location for the barn; he wishes he knew about all of this before he purchased the property, he would not have purchased it. Mr. Sifton stated he asked the previous owner of the property if he could use the road to build his barn, and the previous owner told him he could.

Member Chase asked what year the house was built. Mr. Sifton stated the house was built in 1973, he said the same person lived there the entire time, until last spring.

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 6:21 p.m.

Discussion/Comments: **Member Chmielewski** stated she does not see a minimum amount necessary. **Member Cattron** stated he went to the property and asked staff to print the map with two-foot contours that is located at each member's seat. He stated the data is from Eaton County's website; between each of the lines is two feet, the area the applicant says is ponded may just be a wet area. **Member Cattron** stated the whole property once you get past the house, slopes toward the back of the property so there should not a problem moving the barn over another twenty-five feet. **Member Cleary** stated the applicant could move the barn to the north and meet the setbacks while remaining in the same elevation. **Member Cattron** stated the barn could be moved to the north or east and meet setbacks. He stated if the barn is moved to the east, some fill may be required.

Member Chase noted the house was already there when the private road was approved which tells him there may have been a reason it was not included. He stated there are other locations the barn could be moved to. He added similar cases have been heard and denied by the Board. **Member Chase** stated approval would be setting a precedence; he does not feel comfortable with this request.

Member Cattron stated he does not feel comfortable approving the request; the property is large enough the barn could be moved elsewhere to the north or east. He agreed with Member Chase, if this application were approved it would set a precedence and the Board of Appeals would have to approve several others like it. **Member Chmielewski** stated convenience and the location of the existing home are not reasons to approve the application. **Member Stopczynski** stated she could not find reason to approve based on items A-E.

Member Chase moved to deny BA-12-21-6, Lee Sifton for a variance from Zoning Ordinance Section 7.7.3 Minimum Setback from road right-of-way (building shall be a min of 50 feet from a road right-of-way) to allow for a pole building to be located 25 feet from the Delnora Drive Right-of-Way at 2151 Carlisle Highway, Sec. 22, Carmel Township. They find that:

- A. There is not a practical difficulty in carrying out the strict letter of the ordinance; there are other options to construct the proposed barn on the property.
- B. There is not a practical difficulty due to unique circumstances related to this particular property; similar applications have been denied in the past.
- C. The applicant did not create 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. The variance request is not in the minimum amount necessary as the barn could be moved somewhere else on the property.

Member Cleary 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 in January.

Old Business: none

New Business: Ms. Williams went over the 2022 meeting schedule. **Member Cleary** moved to approve the 2022 Zoning Board of Appeals Meeting Schedule. **Member Cattron** supported. Motion carried.

Public Comment: none

A motion was made by **Member Cleary** to adjourn the December 7, 2021 Board of Appeals meeting. **Member Chase** supported.

Meeting adjourned at 6:32 p.m.