

EATON COUNTY BOARD OF APPEALS MINUTES
December 3, 2024

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: Donald Chase, Tim Cattron, Rob Cook, Charamy Cleary, and Nikki Chmielewski

Staff Present: Brandy Miller and Tammy Alger

Agenda Approval: A motion was made by **Member Cleary** to approve the agenda for the August 6, 2024 meeting. **Member Cattron** supported. Motion carried.

Minutes Approval: A motion was made by **Member Cattron** to approve the minutes for the August 6, 2024 meeting with a correction to page two, paragraph two, correcting Cadillac Converters to Catalytic Converters. **Member Cleary** supported. Motion carried.

Public Comment: None

BA-12-24-4: Request by Michael Luna for a variance from Zoning Ordinance Section 7.7.3, to allow an existing home constructed in 1983 located 40 feet from the W. Santee Hwy Right-of-Way to be considered a legal non-conformity to allow for a garage addition; required setback is 50'. The property is located at 1037 W. Santee Highway, Section 11, Chester Township.

Staff Report: Ms. Miller read the staff report, Chester Township comment, and The City of Charlotte Fire Department comment into record.

Applicant Statement: Mr. Hunter Weibel with Visionary Builders stated he would speak on behalf of the applicant.

Member Cleary asked if the addition would be an "L" shape on the house. Mr. Weibel stated the porch will allow the occupant to walk directly into the barn from the home.

Member Cleary asked if the addition would be even or off set. Mr. Weible stated the addition will come forward but not past the front of the existing home.

Member Cattron asked if the new barn could be built elsewhere on the property. Mr. Weibel stated the property owners need it attached so they can have direct ingress and egress to their home. **Member Cattron** asked if the current property owner purchased the property as it was. Mr. Weibel stated that was correct.

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

Speakers in favor of the application: None
Speakers in opposition to the application: None

Public Hearing closed at 6:13 p.m.

Board of Appeals Discussion/Comments: **Member Chmielewski** stated the house is already in non-compliance with the setbacks per previous staff approvals, so she did not take issue with the application.

Member Cleary stated the applicant's request is to correct a mistake made by past staff.

Member Cattron stated he was unsure where the practical difficulty of this request would be. **Member Chmielewski** stated the practical difficulty is that the home is already constructed and was approved by previous staff.

Member Chase stated two building permits had been issued while not meeting setback requirements by previous staff. He stated he did not have an issue with approving the application as it would not be placing the structure in any more violation than they currently are, and which was approved previously.

Member Cook stated there were neighboring properties with structures that were as close to property lines as the applicant's home.

Member Cleary moved to approve BA-12-24-4, a request by Michael Luna for a variance from Zoning Ordinance Section 7.7.3, to allow an existing home constructed in 1983 located 40 feet from the W. Santee Hwy Right-of-Way to be considered a legal non-conformity to allow for a garage addition; required setback is 50'. The property is located at 1037 W. Santee Highway, Section 11, Chester Township. They find that:

- A. There is a practical difficulty in the way of carrying out the strict letter of this Ordinance due to the unique circumstance of the home and barn being constructed with approval from Eaton County as they were presented with violations.
- B. There is a practical difficulty due to unique circumstances related to the particular property and not general to other property in the district of neighborhood. The initial problem was created by past Eaton County staff.
- C. The problem was not created by the applicant.
- D. Granting the variance will not alter the essential character of the district or neighborhood.
- E. The variance allowing for the addition is the minimum amount necessary to overcome the inequity inherent in the particular property.
- F. Any further addition to the home does not require a variance from the Zoning Board of Appeals so long as the addition meets all other requirements.

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: Ms. Miller stated the item discussed regarding the 1981 cutoff date will be discussed with the Zoning Ordinance Committee. Ms. Miller stated that staff has applied for the Housing Readiness Grant from MISHTA which has the potential to give the department \$50,000.00 to update the Zoning Ordinance. Ms. Miller stated she has not received the determination on the application yet.

Member Chmielewski asked if meeting dates have been approved. Ms. Miller stated they were approved in August.

A motion was made by **Member Cattron** to adjourn the December 3, 2024 Board of Appeals meeting. **Member Chase** supported.

Meeting adjourned at 6:22 p.m.