

ZBA Annual Meeting Minutes

October 30th, 2020 at 7:00pm

6461 Gillard Road

Spruce, MI 48762

Call to Order: 7:00 pm

Pledge of Allegiance: Completed

Roll Call: Cindy Smith, Ed Bolanowski, Nancy Beck

Agenda Approval/Additions: Motion made by Ed Bolanowski to approve agenda. Seconded by Cindy Smith. All in favor – passed.

Approval/Corrections of 10/06/20 Minutes: Motion made by Ed Bolanowski to approve Minutes with corrections. Seconded by Cindy Smith. All in favor – passed.

Hearing: 5566 N Mt. Mariah Rd Permit # 1292020

Gerrald DeCare was present and spoke about his property and his intent. He stated that he is looking to bring in a modular type house from G&G and the dimension of the modular are slightly longer and widen that current footprint. There is no possible way to keep footprint with the modular. He stated he was also going to move the home closer to the lake as his neighbors are closer to the lake and blocking his view. Stated he would still be within set back guidelines.

Board went through “Zoning Board of Appeals Variance Checklist” for standards in determining decision with a uniformed standard. Signed by all board members.

Discussion between Nancy, Cindy and Ed on intent for ordinance and relevant information. Nancy stated she was not in favor as the property isn't special in such a way that the ordinance as written wouldn't apply. Even though she understands his position she explained her position on the ZBA is to uphold the ordinance as written as she doesn't see where the property itself is different from the intent when written. Ed stated that he agreed with Nancy and that the ZBA needs to hold tight to the standards so it is always a uniformed decision that is fair across the township. Cindy stated that she felt that since the client bought the property in 1993 and this ordinance was effective 03/01/14 that isn't wasn't fair to property owners who purchased property with intent to re-build which was perfectly within the

parameters at the time and the rules changed after 21 years. Cindy questioned the intent of the ordinance and if the pre-existing property was considered as an exclusion to the ordinance. However, the feeling of people and circumstances can't dictate the role of a ZBA member and ultimately agreed that an exception can't be made on the people and circumstances and requested Nancy who is also the representative on planning commission add it to their agenda for their Nov 2nd meeting to see if original ordinance should be changed to exclude existing properties prior to the ordinance written. Regardless, that is out of the ZBA hands and falls onto the planning commission to consider.

After reviewing standards, a vote was taken and unanimously denied the variance request.

Motion made by Ed Bolanowski and Seconded by Nancy Beck to deny the variance request. All in favor. Motion passed.

Adjournment: Motion made by Ed Bolanowski to adjourn at 7:38pm and seconded by Nancy Beck. All in favor. Motion passed.

Prepared by Secretary for ZBA: Cindy Smith