

ZBA Annual Meeting Minutes

November 9th, 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 as presented. Seconded by Cindy Smith. All in favor – passed.

Hearing: 5727 N Pine St Permit # 1282020

Richard, together with his wife, Cheryl Renaud, was present and spoke about his property and his intent. He stated that he is looking to build on a non-conforming lot with lake side dimension of 90 foot and lakeside 90 foot 11 inches. Stated he had spoken with EGLE and DNR for approved culvert. He had verification of permit from DHD #2 and soil and erosion for septic and drain field. Letters were received (multiple) in support and many were in attendance. Some stated full support and others had concerns and did not support this. When asked about water tapping into Crystal Springs he stated they were working on seeking that approval. The president of Crystal Springs committee was in attendance and stated he would not be approved for water through that system.

Board went through “Zoning Board of Appeals Variance Checklist” for standards in determining decision with a uniformed standard, and as per ‘Section 11.5 – Variance Standards’ of the Caledonia Township Zoning Ordinance. Signed by all board members.

Discussion between Nancy, Cindy, and Ed ensued regarding the land itself and if there was anything special to the land itself in which and favored vote could be considered. Cindy addressed the audience as to what the roles of the ZBA members were and explained Section 11.5 of the Zoning Ordinance and the uniform standards adopted. Cindy notified them of their rights to request appeal in circuit court

within 30 days of final decision. It was noted that the subject property falls within Zoning District R-1 (Single Family Residential) as per the Zoning Map and Zoning Ordinance Section 5.10. Discussion revealed that not all of the Section 11.5 criteria were met/satisfied, particularly, that the circumstances at hand were not unique to the property involved; that granting the variance wouldn't do 'substantial justice' insofar as the applicant knew the lot was below minimum width when they purchased it, and that this was the result of the action of a previous owner combining then re-separating 2 contiguous 90-foot lots; and that allowing the variance under the circumstances would cause an adverse impact on surrounding properties insofar as the development 'scheme' in the District, and that neighborhood in particular, requires developed lots with a minimum 100' width.

Ed made a motion to deny variance to build on a non-conforming lot. Seconded by Cindy. All in favor. Motion of denial passed.

Recess taken at 7:40pm for crowd to clear before starting next hearing.

Reconvened at 7:47pm and called back to order by Nancy Beck.

Hearing: 6772 Mt Mariah Rd Permit # 1272020

Leo and Martine Goddeyne were present and presented their request to the board. They are requesting a variance for a fence on waterfront property for over the restricted 4 foot height ordinance. Stated they wanted privacy from neighbor and didn't want to look at their camper. Stated their front doors were facing each other and were close. Stated he is building a mansion with pavement everywhere on his property and they didn't want to see it. Mr Goddeyne also stated he could put up a natural barrier of shrub or trees to any height and that would be ok so why not a fence? Stated a fence was cheaper. Read through the ordinance in reference to waterfront and a natural barrier still requires the 4 foot height restriction. Referring to ordinance 3.20 Section B on fences.

Board went through "Zoning Board of Appeals Variance Checklist" for standards in determining decision with a uniformed standard, and as per 'Section 11.5 – Variance Standards' of the Caledonia Township Zoning Ordinance. Signed by all board members.

Discussion between Nancy, Cindy, and Ed ensued regarding the land itself and if there was anything special to the land itself in which a favored vote could be considered, as well as the other Section 11.5 criteria. The Board read through the ordinance 3.20 Sect B. Discussion on personal preference for client when it came to neighbors.

Ed made a motion to deny variance to build on a non-conforming lot. Seconded by Cindy. All in favor. Motion of denial passed.

Adjournment: Motion made by Ed Bolanowski to adjourn at 8:08pm and seconded by Cindy Smith. All in favor. Motion passed.

Prepared by Secretary for ZBA: Cindy Smith

Cindy K. Smith