



**Call to Order:** 7:31 PM

**Roll Call:**

Tilburt, Blair, Powell, Skelonc, Stout, Crofoot in attendance  
Zoning Administrator Gross, and Township Attorney Leisman were also in attendance.

**Pledge of Allegiance:**

**Approval of Last Meeting Minutes:** Motion to approve December 13, 2023, minutes by Skelonc, second by Blair, all Ayes, Motion Carried.

**Approval of Agenda:** Motion to approve by Skelonc, second by Stout, all Ayes, Motion Carried.

**Public Comment – Matters not the Subject of Agenda Items:** No public comment.

**Agenda Matters to be reviewed by the Zoning Board of Appeals:**

**#1. Variance Request - Elliott/Lewandoski Addition for 3218 Rau Dr.**

Open 7:35 public hearing.

(Mel & Bill Lewandoski – Owners) Recap of variance request. They would like to add an attached garage that will be in the back yard setback. Proposing an addition to south side of house as well. Corner of garage will be only 14'9" from property line instead of 20' required. See submitted sketch.

No Public Comment.

Closed public hearing. 7:35 PM

Township officials:

(Gross) Resolution to approve written by Ross (Leisman.) One resolution to approve with sections to fill in.

(Leisman) Setback variance. With discussion of section 3.04. A front yard variance would not apply because this is a waterfront lot, and the proposed setbacks apply to the rear yard. Straight forward going thru the four factors of the variance. He did not give us a resolution for denying the variance. Dealing with a homeowner as opposed to a business. The variance can be more practical to write up one resolution. This is not a recommendation - is more of a guideline of going through the factors as you normally do.

(Tilburt) Called for comments from the Zoning Board of Appeals.

(Blair) Went and looked at the property. What will happen to the outbuilding?

(Lewandoski) That will come down.

(Skelonc) Part 2(a)i. The reason they didn't want to move the building was for aesthetics. I do not think that is a good reason for practical difficulties to meet this standard. Respectfully not in favor of approving this variance.

(Tilburt) Please clarify.

(Skelonc) We were told because of aesthetics.

(Lewandoski) It was not aesthetics from the road. It was the lake front porch that they did not want to change.

(Blair) Confused as to where the porch is on the front of the house.

(Lewandoski) The porch is on lake side of house. Both commented on the structure and the future of the additions and garage.

(Tilburt) Practical difficulties are that they cannot attach a garage to any other side of this structure without having access to the private street. The existing platted lot width is 70 ft plus or minus, that is less than the 100' requirement of the zoning district. Item D authorizing such a variance will not be a substantial detriment to the adjacent nearby properties and will not be contrary to the spirit of the ordinance. One reason is because neighboring properties have similar situations, and the setback distances are similar to what is being proposed by the applicants. And I would add #2, the setback is greater than on other properties because their garages are closer to the street.

(Tilburt) Took measurements himself. This should give them appreciable property rights as others.

(Skelonc) Do you know when the other garages were built?

(Gross) No, the only thing is the other garages are detached garages that are allowed to be closer to the setback. That is a difference from 10 ft to 20 ft required with an attached garage. The other garages are non-compliant, and they were put in before he got there. In several factors, they are legal non-conforming.

(Tilburt) We can't go back and correct that.

(Blair) That doesn't mean we can violate the zoning ordinance for now or future. This should be re-designed.

(Lewandoski) No, it cannot in his opinion be redesigned.

(Blair) Is it more important to adhere to zoning or for a person to get what they want in a larger design?

(Skelonc) We need to stop the zoning variances. (Tilburt) We are allowed to make allowances for current situations.

(Leisman) This is the purpose of the ZBA to apply zoning on each instance of setbacks.

(Powell) Garages to the north and south of this property cannot be rebuilt if they were destroyed.

(Gross) Depending on the damage to a certain degree it cannot be rebuilt. Plus, overhead power line setbacks will be looked into.

(Skelonc) Section 17.06 Dimensional Variances, last paragraph. Who will monitor street parking? Should we include monetary fees for complaints on parking for large events or emergencies? This should be addressed in this variance.

(Tilburt) I disagree with that. That would apply to all properties along the road.

(Skelonc) This variance should be for the protection and the advancement of public interest. This generates additional traffic for the area.

(Tilburt) Adding a provision to a variance for parking on the street and monitoring would not hold up in court.

(Leisman) I do know an ordinance saying it is illegal to park in the street.

(Gross) It is a county road.

\*(Arron Hudelston) How much would it cost to monitor the street?

(Blair) If we are going to do something this is the time to do it.

(Tilburt) This would be a general ordinance that would have to include everyone on the street and is not applicable to this variance.

(Blair) We can't correct the sins of the world tonight. We are here to discuss this variance. That should be brought up at a different time.

(Gross) They will have a clear enough view to see traffic coming and going.

(Tilburt) Hearing no other comments anyone want to make a motion.

(Powell) I would like to make a motion to approve the resolution granting the setback variance.

(Leisman) To add the amended comments?

(Powell) To add those and to remove "private" from "private street."

(Tilburt) To also take out "or other addition to house." Could not attach garage to any other side of the property and have access to the street. And add the lot is 70' wide which is less than the 100' required for the zoned district. And Section (d)i, add "neighboring properties set back distances are similar..." Also add "proposed setback is greater than setback on adjacent properties."

(Powell) Those are acceptable to motion.

(Stout) seconded the motion.

(Tilburt) Motion and seconded the motion.

Vote 3 yes 2 no - motion was approved on majority.

SHORT RECESS – Reconvene, 8:04 PM

#2. Variance Request – Quest Design/Petz Perfurred/Lenartz for 14175 Edgerton - *Stout recused for conflict of interest; Lisa Crofoot acting as alternate ZBA member*

Open 8:07 PM public hearing.

(Adam Groulx, Justin Longstreth – Quest Design; Aaron Lenartz - Owner) Recap of variance request. (Longstreth)

Proposing 8000 sq ft building Doggy Day Care facility. Zoning requires 20 spaces for the size of the building. They are asking if they can defer 4 spaces and those spaces are in the setback on the back of the property. They are asking for a dimensional variance for the 4 spaces. They will be gravel for future paving but not blacktopped now. The Edgerton Rd. right-of-way is 100 ft wide making the setback requirements more difficult

for this parcel, where the normal right-of-way for roads is 66 ft. If it was a traditional road right-of-way it would have been easy to fit the required amount of parking for the sq footage. They also provided testimonial from another facility about adequate parking for the business.

No Public comment.

Closed public hearing.

(Gross) Originally the site plan was going to work until they found that the road right-of-way width was different. That discovery made the original front parking spaces too close to the road. They decided to redraw the encroachment on the rear set back instead of the rear and front which would have required two encroachments.

(Tilburt) Called for comments from the Zoning Board of Appeals.

(Skelonc) I'm amused and irritated that someone else is going to tell us that everything is good with this number of spaces.

(Groulx) We do not anticipate needing to use all the spaces with the nature of the business. So do not take offense to the comment.

(Skelonc) What are random special events. What kind of events and how often? If this is going to bring in more cars and parking, maybe 20 parking spaces will be needed.

(Lenartz) We anticipate having random events. Holiday events or other events that may last an hour or two. The staff will be around 3 people. Not planning on having all day events. It will be an RSVP event so we can control the number of people allowed to come in. He is willing to set limits because of parking space availability. If they have bigger events then they are going to talk to neighboring businesses for parking availability.

(Tilburt) What type of events? Christmas parties for dogs?

(Groulx) Christmas parties. They really want to give back to the community. Dog adoptions. Not bringing 50 or 60 people in.

(Skelonc) Explain what makes this a unique business, explaining why they need less parking spots.

(Gross) They feel the number of spaces is different because it is short-term parking for customers, 5 – 7 minutes at a time.

(Groulx) Said he will not have events if this is a factor.

(Leisman) The parking would change if the use were to change. This parking is standard for the use being presented. Issues regarding parking would be addressed if the use were to change.

(Gross) Same thing needed for Aldi.

(Blair) What about the rest of the property?

(Tilburt) History of the property?

(Blair) Can you move the storm water basin?

(Longstreth) It comes down to cost. It needs more fill than first thought at purchase.

(Blair) Are you sure that you want to buy the property?

(Longstreth) It has been bought and it is at the budget limit.

(Powell) Please clarify if we are approving the setback variance or the approval of not paving the additional lots. Should this be two different variances.

(Leisman) We are asking for a variance on setback. The planning commission is responsible for the requirements of paving. It has been addressed in the approval resolution.

(Gross) The surfacing is not the issue now.

(Tilburt) How would this affect the property to the west?

(Gross) It will flatten out the hill. The property drops off. And the runoff will be deferred to the drain retention basin. This is all in the engineer's report.

(Skelonc) Can we see the layout of the building?

(Longstreth) Displays plans.

(Skelonc) How does the business operate when a customer comes in?

(Lenartz) Check in at reception area/isolation area. To isolate sick dogs from others.

(Skelonc) How long is the short duration?

(Lenartz) Five to seven minutes. On a rough day they are at 75% occupied and do not max out parking spots during busy times of the day or holidays.

(Skelonc) Would one of your events be to give shots for dogs or licenses?

(Lenartz) Has not thought about this event but it is a good idea.

(Gross) The big issue here is do you need 20 spots or will 16 work. Not running your business.

(Skelonc) What drives that?

(Gross) The occupancy and use.

(Blair) Did you purchase the property from the owner to the west and would he sell you 20'?

(Lenartz) Through the grapevine, No, he would not.

(Tilburt) Crofoot any comments.

(Crofoot) No

(Tilburt) Powell any comments.

(Powell) No I asked my questions.

(Blair) There is no other remedy. If this does not get approval, then there is no remedy.

(Gross) They would have to change the ordinance.

(Tilburt) Or they could appeal the decision.

(Leisman) You have 2 resolutions. One approves and one denies. Go thru each of the 4 points.

The property is long and tapering with the addition of the 100 ft right-of-way for the road. Under B. It would be practical difficulty because of the fill required on this land. And on Page 4 of approval Future Construction. The one practical difficulty of the land is the soil composition. Reasons are different from the application.

(Tilburt) Page 3 of approval Item D. The variance would not be a detriment to neighboring properties. Item (ii) "aligns with existing topography." What does this mean?

(Leisman) That was taken from application. And is due to the actual alignment of the property on an angle, along with the soils. This location is the only location for the building because of the topography.

(Longstreth) The land is flatter where they placed the building.

(Leisman) The word should be "placed" instead of "aligned."

(Blair) Are the spots going to be paved or not?

(Longstreth)/(Tilburt) The 4 spots will not be paved.

(Gross) They will be set up but not paved. That would be up to the Planning Commission or ZBA if wanted.

(Leisman) Leave language about construction in setback. Page 4 under Future Construction.

(Tilburt) Close public hearing. Do we have a motion?

(Powell) Made the motion to accept the variance with said corrections discussed and amended.

(Skelonc) Support

(Tilburt) Vote - all yes.

Variance passed.

**Other Matters to be reviewed by the Zoning Board of Appeals:** (Gross) No others currently.

**Old Business:** N/A

**Open discussion for Issues not on the Agenda:**

1. Correspondence Received: ZBA updated handbook distributed
2. (Gross) Re: ZBA updates - some appendments that came in from planning commission. Solar energy zoning.  
(Powell) Who wrote the zoning? The planning commission wrote it up, not a private party. (Gross) Already zoned for small scale. (Tilburt) Is this final with the state, that they will be taking over the jurisdiction of this.  
(Leisman) The governor signed it on November 29, 2023. It will take effect November 29<sup>th</sup> this year unless it is repealed.

**Report of Township Board Representative:** (Stout) "Good job."

**Report of Planning Commission Representative:** (Tilburt) N/A

**New Business:** N/A

**Adjournment:** Motion to adjourn by Stout, seconded by Blair, all Ayes, motion carried. Adjourned – 8:56 PM

**Next Meeting** to be February 21, 2024, 7:30 PM

Secretary: 

Date: 9-9-24

(Arron Hudelston) – Public Comment

