



Call to Order: 7:34 PM

Roll Call:

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

Pledge of Allegiance:

Approval of Last Meeting Minutes: Motion to approve November 15, 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.

Tilburt: You may present your request information. We will not be able to act on anything because of paperwork and inability to publish for public hearing. Vote next month but we will hear your presentation and discuss it.

Lewandoski: Request shown on the drawing. The angle of the existing building is not square to the lake, so with the proposed addition and attached garage it builds into the setback. Will also be changing the power lines to underground from service pole to the garage. Moving the meter to the side of the garage.

Blair: Where is your septic system?

Lewandoski: The septic tanks are near the northeast corner of the house. The drain field is in the northeast corner of the lot along the R.O.W.

Blair: Did you know when you drew this up you were violating the ordinance?

Lewandoski: We did not but did find out later.

Blair: What is stopping you from rearranging the design to make it fit?

Lewandoski: The current structure. We wanted the addition to be as drawn and not interfere with the 3-season porch on the lake side of the house.

Tilburt: The presentation from the owner is complete. The board will now discuss.

Powell: Is there any way to adjust the garage to make it fit?

Lewandoski: The garage size is to accommodate my truck. This is going to be a 2-phase build. Garage first then the addition.

Skelonc: We have to use standard dimensional variance qualifications. This proposed garage does not qualify for a dimensional variance. We must qualify a variance with certain characteristics. This does not meet requirements.

Gross: The standards must be addressed to deny or grant a variance.

Tilburt: A variance is requested when there is no other solution.

Blair: Looking at this plan there are other solutions to your problem.

Lewandoski: We thought of other solutions but feel this is the minimal variance we could plan.

Tilbert: From my standpoint, a practical or reasonable standpoint. I do not have a problem with the variance because an argument can be made that all surrounding garages are close to the road and in the setback. Could argue that the variance would allow enjoyment of their property as their neighbors do. Also, this is a lake district as to the front and rear yards. Technically the front yard is on the lakeside and roadside becomes the back yard. Arguable because the neighbors' garages are closer to the road than allowed in the ordinance. Would deprive the applicant of a property right commonly enjoyed by other properties in the same zoning district.

Blair: It is not their right, because the ordinance has taken that away.

Gross: Chapter 3.01B says they will apply the standards of a back yard. Between commonly enjoyed property rights and zoning standards, what carries more credence?

Skelonc: It is not an unusual lot. This does not qualify for a hardship with the lake. It's just that they want to expand bigger, and they don't have enough land for their plans.

Gross: They may be considered unusual hardships because the lot may not meet the current standards for a lake lot. We need to have the public hearing and get public input.

Stout: What is the age of the septic?

Lewandowski: It's in the paperwork for the purchase but I do not know.

Stout: Typically, the county recognizes 20-to-30-year age of a septic. And do you have enough area for a reserve system if the first system were to fail?

Skelonc: The county usually requires a back up area in case the system fails. The size of the system is determined by the health department requirements.

Tilburt: That would be determined when they apply for the addition permit.

Lewandowski: We are asking for the variance before we get the health department involved.

Tilburt: The septic system is not our problem.

Gross: Are you going to add another bedroom?

Lewandowski: No, we are adding an office.

Gross: The health department determines septic based on the possible occupancy.

Tilburt: They are aware of the health department determining the future of the septic system. Any other comments at this point?

Gross: I have provided information on power line easements from Consumers Energy.

Tilburt: Before the next meeting we will provide the 4 standards required to pass a variance. Generalized in 17.3 and 17.4 of the zoning book.

Blair: Motion to table this issue until next month. Second by Stout. All ayes. Motion passes.

Gross: For clarification. The last names on the applications were different, so the attorney could not figure out who the application was for. That was the delay.

Lewandowski: I didn't realize when the attorney submitted the application that it was in my maiden name.

Other Matters to be reviewed by the Zoning Board of Appeals:

Old Business:

Gross: Brennon Variance accessory building has been tabled until April. She sent a letter to be copied to the board. Postponed for 120 days. She wants to fit her business in the building and will work with the Township.

Open discussion for Issues not on the Agenda:

1. Correspondence Received: None

Report of Township Board Representative: Stout – None

Report of Planning Commission Representative: Tilburt –Cedar Springs Retail management is still working on a plan. They may have a solution that does not require a variance.

New Business:

Gross: We have a kennel planned that may come in front of the board with regards to parking required. The plan was not ready for planning commission due to errors on the print.

Skelonc: We may need to look at the parking ordinance since we are getting so many issues.

Adjournment: Motion to adjourn by Stout, seconded by Blair, all Ayes, motion carried. Adjourned – 8:19 PM.

Next Meeting to be January 17, 2024, 7:30 PM

Secretary: 
Date: 1-17-24