

Chair
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Vice-Chair
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Secretary
Robert Reese, III
Board Members
David Fedewa, Trustee
Donald Riel
Steve Goodwin
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Community Development Director
Brett Wittenberg

Township Planner
Salam Habhab

Recording Secretary
Linda K. Parkinson

**ZONING BOARD OF APPEALS
MINUTES
WEDNESDAY, OCTOBER 21, 2020
7:00 P.M.**

Per the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order – Gathering Prohibition and Mask Order dated October 5, 2020, and the Open Meetings Act (OMA) 1976 PA 267, this meeting will be held with an in-person quorum of the Zoning Board of Appeals at the address above. Per OMA, the public is welcome to attend and mask usage is required. The capacity of the Board room, per Emergency Order, is 25 persons, spaced equally. Individual Board members, and public in excess of 25 persons, may listen and participate at the phone number below.

Meeting Dial-in: (623) 600-3750 PIN: 346832

The public will be invited to make comments during the public comment sections of the meeting as well as before any vote. If you desire to comment, you will be invited to dial 5* for your opportunity to speak. Please contact the Planning Department at (517) 669-6576 with any additional questions.

The regular meeting of the DeWitt Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chairman Krol.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Reese.

MEMBERS PRESENT: Richards, Reese, Carpenter, Riel (remote), Fedewa, Krol.

MEMBERS ABSENT: Goodwin.

APPROVAL OF AGENDA: Carpenter moved to approve the Agenda as presented. Supported by Fedewa.

ROLL CALL vote on motion:
AYES: 6 NAYS: 0 ABSENT: 1 (Goodwin)
MOTION CARRIED.

APPROVAL OF MINUTES: Fedewa moved to approve the minutes of the February 19, 2020 meeting as printed. Supported by Richards.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 1 (Goodwin)
MOTION CARRIED.

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

I. PUBLIC HEARING – 20-770002 – from Norman T. Farnum, requesting a variance of 89 feet to the required minimum lot frontage of 150 feet. If approved, the applicant would be permitted to split off a 2 acre parcel from the described parent parcel that would have 61 feet of frontage. The subject site is located at 13310 Turner Road, DeWitt, MI 48820, on the west side of Turner Road, south of Herbison Road, north of I-69, east of DeWitt Road, in the northeast ¼ of Section 17 of DeWitt Charter Township (Parcel #050-017-100-085-00).

A. Open Public Hearing. **Chairman Krol declared the Public Hearing opened at 7:04 p.m.**

B. Administrative Comments/Applicant/Public Comments.

Member Reese stated he may have a conflict of interest related to the variance request on the agenda tonight as he leases land from the applicant. For that reason, he will be abstaining from discussion and voting on this item.

Community Development Director Brett Wittenberg briefly reviewed staff's report dated October 16, 2020 pointing out the location of the subject site.

Wittenberg went on to describe the nature of the request. The applicant is seeking a variance to Section 3.2.D of the Zoning Ordinance for the minimum lot width (frontage). The Zoning Ordinance requires the lot width (frontage) to be a minimum of 150'. The applicant is proposing to create a parcel (via land division) with the approximately two (2) acre parcel being created having only 61' of frontage on Turner Road (Parcel A). The site currently contains a single-family residential structure with the remainder of the property having been farmed. The intent of the split would allow the applicant to maintain the existing single-family home and potentially sell the remaining portion of the parcel (proposed Parcel B) in the future.

The ingress and egress to the existing single-family residence is provided by a driveway that has access to Turner Road. The remainder of the property has frontage and access from DeWitt Road (City of DeWitt). In discussions with the applicant, and as part of any future land division, staff is requesting that the applicant provide an access easement from DeWitt Road to the east as the western portion of the property to the east that is located within the Township.

Wittenberg went on to advise that twenty-six (26) letters were sent out notifying the public of this request. One inquiry was received with no objection. In addition, there were two calls to the Planning Department today questioning if the meeting was going to be in person or conference call.

Wittenberg went on to review the request for compliance with the four Basic Conditions and two Special Conditions (see pages 4 and 5 of staff's report). Based on the application materials and dependent upon discussion this evening, staff finds that the request meets all four of the Basic Conditions and Special Condition a) as required by the Ordinance. Therefore, staff recommends that the Zoning Board of Appeals approve the proposed request 20-770002.

There were no Board comments or questions.

Chairman Krol invited the applicant to speak.

Norman T. Farnum, applicant, 14601 W. DeWitt Road, Lansing, MI 48906, stated he explored several options for dividing the subject site. He chose the proposed option because it caused the least disruption to the existing wooded area. If approved, there should be no negative impact on Turner Road.

There were no questions for the applicant.

Krol invited public comment.

There was no public comment.

- C. Close Public Hearing. **Hearing no public comments Carpenter moved to close the Public Hearing at 7:10 p.m. Supported by Fedewa.**

ROLL CALL vote on motion:

AYES: 5 NAYS: 0

ABSENT: 1 (Goodwin) ABSTENTION: 1 (Reese)

MOTION CARRIED.

- D. Discussion and possible action by Board of Appeals.

Brief discussion followed regarding the fact that the subject site is within multiple jurisdictions.

Wittenberg stated he has talked with the City Manager of the City of DeWitt. There were no concerns expressed related to this request.

Carpenter questioned if approval of this request would be setting a precedent.

Wittenberg stated he does not see approval as being precedent setting.

Fedewa asked for clarification as to which parcels would be within the City of DeWitt. He further expressed some concern with the addresses in the area being inconsistent.

Carpenter moved to approve Appeal 20-770002 from Norman T. Farnum, to allow a variance to Section 3.2.D of the Zoning Ordinance to reduce the required lot width adjacent to Turner Road from the required 150' to approximately 61' to create a parcel for an existing single-family residential structure that would be approximately 2.0 acres for A (Agricultural) zoned property for property located at 13310 Turner Road as evidenced by the current parcel #050-017-100-085-00. Approval is based on a finding that the request meets all four of the Basis Conditions and Special Condition (a) listed in Section 42-70 of the Zoning Ordinance.

Supported by Fedewa

ROLL CALL vote on motion:

AYES: 5 NAYS: 0

ABSENT: 1 (Goodwin)

ABSTENTION: 1 (Reese)

MOTION CARRIED.

E. Possible Certification of Decision.

Fedewa moved to approve the Certification of Decision for Request 20-770002 from Norman T. Farnum.

Supported by Carpenter.

ROLL CALL vote on motion:

AYES: 5 NAYS: 0

ABSENT: 1 (Goodwin)

ABSTENTION: 1 (Reese)

MOTION CARRIED.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

TRUSTEES REPORT:

Trustee Fedewa gave a brief report on business conducted and action taken at recent Board of Trustees meetings.

DISCUSSION:

Wittenberg introduced Township Planner Salam Habhab.

ADJOURNMENT: **Carpenter moved to adjourn the meeting at 7:27 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson-Gray, Recording Secretary

Robert Reese, III, Secretary