

**DEWITT CHARTER TOWNSHIP**  
**1401 W. HERBISON ROAD, DeWITT, MICHIGAN 48820**  
**BOARD OF APPEALS MINUTES**  
**WEDNESDAY, January 17, 2007**

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

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

ROLL CALL by Secretary Reese.

MEMBERS PRESENT: Christopher LaGrand, Robert Reese, III, Dale Glynn, Stephen Gobbo, Andrew Richards, Shannon Schlegel, and Trustee Seeger (arrived at 7:07 p.m.).

MEMBERS ABSENT: None.

APPROVAL OF AGENDA: **Glynn moved to amend to Agenda to add the Election of Officers for 2007 under New Business as Item II. Supported. MOTION CARRIED.**

**Gobbo moved to approve the Agenda, as amended. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: **Glynn moved to approve the minutes of the September 20, 2006 meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: The following correspondence was received and noted by the Planning Commission:

1. Committee and Commission List for 2007.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- I. **Appeal 06-770006 – From Larry Swain**, requesting a 367 sq. ft. variance to Section 6.1.5 2)(c) of the Zoning Ordinance which allows a maximum of 1,300 sq. ft. of accessory space for the R3 (Residential Single Family) zoning district. If approved, the applicant would be allowed construct an 18' x 24' addition to an existing pole barn located at 14222 Boichot

Road, Lansing, north of Stoll Road, south of Clark Road, in the northwest ¼ of Section 22 of DeWitt Charter Township, bringing the total accessory space on the property to 1,667 sq. ft.

- A. Open Public Hearing. **Chairman LaGrand declared the Public Hearing opened at 7:06 p.m.**
- B. Administrative Comments/Applicant/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated January 9, 2007 pointing out the location of the site. She advised that the applicant is requesting a variance of 367 sq. ft. to Section 6.1.5 of the Zoning Ordinance, which limits the total area of accessory buildings to 1,300 sq. ft. in the R3 (Residential Single Family) zoning district. If approved, the applicant would be allowed to construct an 18' by 24' addition to an existing pole barn on the subject site.

Gmazel stated that the surrounding land use consists of Single Family Residential to the north, east, and south, and vacant property to the west. The surrounding zoning consists of R3 (Residential Single Family) to the north, east and south, and A (Agricultural) to the west.

The site currently has an existing outbuilding that is 12' by 28', or 336 sq. ft. in area; an attached garage that is 17' by 19', or 323 sq. ft. in area; and an existing pole barn that is 18' by 32', or 576 sq. ft., bringing the total existing area of accessory space to 1,235 square feet. If the variance is approved, the applicant would be allowed to construct an 18' by 24' pole barn addition that would result in an additional 432 sq. ft. of total accessory space. This would exceed the allowed 1,300 sq. ft. by 367 square feet.

Gmazel further advised that 17 letters were sent out notifying the public of this request. As of this date, one response has been received in support of the variance.

Gmazel went on to review the request for compliance with variance standards set forth in Section 4.2.3 of the Zoning Ordinance. She advised that Basic Condition a) states that granting the variance can not be contrary to the public interest or the intent of the Ordinance. The variance was not found to be contrary to public interest, nor the intent of the Ordinance. This finding is based on the small 5% of lot coverage that the variance would allow on the site. Therefore, the request complies with this condition.

The pole barn is already a component of the residential use permitted by right in the R3 (Residential Single Family) zoning district so granting of the variance would not allow a use not already permitted within the district, consistent with Basic Condition b).

There is no reason to believe that granting of the variance would have a significant adverse impact on surrounding property values. Therefore, the request complies with Basic Condition c).

Requests of this nature have not been so recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical, consistent with Basic Condition d).

Gmazel went on to review the request for compliance with at least one of the three Special Conditions set forth in Section 4.2.3 of the Zoning Ordinance. Special Condition a) states that a practical difficulty or unnecessary hardship must exist which prevents the applicant from carrying out the strict letter of the Zoning Ordinance. There does not appear to be a “practical difficulty” or “unnecessary hardship”. Therefore, the request does not comply with Special Condition a).

With respect to Special Condition b), the applicant’s property is approximately 2.3 times larger than the minimum lot size required in the R3 (Residential Single Family) zoning district. This larger lot size is notable. Past variances of this nature have been granted. Whether this represents a circumstance that rises to the level of “exceptional” is up to the discretion of the Board of Appeals.

The applicant is able to use the property for single family residential purposes, similar to neighboring properties. The variance is, therefore, not necessary to preserve a substantial property right. Staff finds that the request does not comply with Special Condition c).

In closing, Gmazel stated she would be happy to answer any questions the Board may have.

Gobbo questioned the possibility of future splits on the subject site, due to its size.

Gmazel advised that the property does not have adequate frontage on a public street to allow a lot split.

LaGrand questioned if the proposed addition meets current setback requirements set forth in the Zoning Ordinance. He further questioned if there have been any comments received from the property owner immediately south of the site.

Gmazel advised that the proposed addition does meet current setback requirements. Further, there has been no response from the neighbor to the south of the site regarding this request.

There were no further questions.

Chairman LaGrand invited the applicant to speak.

Larry Swain, 14222 Boichot Road, Lansing, MI 48906, applicant, stated that the house immediately south of his property is not occupied and is falling into disrepair.

There were no further questions.

No members of the public were present. Therefore, there was no public comment.

C. Close Public Hearing. **Chairman LaGrand declared the Public Hearing closed at 7:16 p.m.**

D. Discussion and possible action by Board of Appeals.

**Glynn moved that Appeal 06-770006, to allow the construction of an 18 foot by 24 foot addition to the existing pole barn located at 14222 Boichot Road that would bring the total accessory space 367 square feet over the maximum allowed 1,300 square feet in the R3 (Residential Single Family) zoning district, be approved. Approval is based on a finding that the request meets all four Basic Conditions and Special Condition b) listed in section 4.2.3 of the Zoning Ordinance.**

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 7    NAYS: 0**

**MOTION CARRIED.**

## **II. Election of Officers for 2007.**

Chairman LaGrand opened the floor for nominations for the office of Chairman.

Gobbo nominated Christopher LaGrand for the office of Chairman.

**Hearing no further nomination, Gobbo moved to close the nominations for the office of Chairman and cast a unanimous ballot for Christopher LaGrand for Chairman.**

**Supported.**

**ROLL CALL vote on motion:  
AYES: 7 NAYS: 0  
MOTION CARRIED.**

Chairman LaGrand opened the floor for nominations for the office of Vice Chairman.

Schlegel nominated Steve Gobbo for the office of Vice Chairman.

**Hearing no further nominations, Glynn moved to close nominations for the office of Vice Chairman and cast a unanimous ballot for Steve Gobbo for Vice Chairman. Supported.**

**ROLL CALL vote on motion:  
AYES: 7 NAYS: 0  
MOTION CARRIED.**

Chairman LaGrand opened the floor for nominations for the office of Secretary.

Glynn nominated Robert Reese, III for the office of Secretary.

**Hearing no further nominations, Seeger moved to close the nominations for the office of Secretary and cast a unanimous ballot for Robert Reese, III for Secretary. Supported.**

**ROLL CALL vote on motion:  
AYES: 7 NAYS: 0  
MOTION CARRIED.**

**The Zoning Board of Appeals Officers for the year 2007 are:  
Christopher LaGrand, Chairman  
Steve Gobbo, Vice Chairman  
Robert Reese, III, Secretary**

PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

TRUSTEES REPORT:

Trustee Seeger gave a brief report on business conducted and action taken at the regularly scheduled meetings of the Board of Trustees held on December 11, 2006 and January 8, 2007. In addition, Seeger reported that he just left a Special Meeting of the Board of Trustees. The purpose of the Special Meeting was to discuss hiring for the position of Township Manager.

DISCUSSION:       None.

ADJOURNMENT:   **Gobbo moved to adjourn the meeting at 7:20 p.m. Supported.  
MOTION CARRIED.**

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Linda K. Parkinson, Recording Secretary

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Robert Reese, III, Secretary