

**Leighton Township Zoning Board of Appeals**  
**Remote Meeting Minutes**  
**Monday June 22, 2020**  
**7:00 PM**

1. **Call to Order:** Chairman Schrotenboer called the meeting to order at 7:02 p.m.  
**Members Present:** Ron Schrotenboer, Dave Gould, Bob Skinner, Jonathon Roodvoets  
**Attending Remotely:** Steve Shoemaker; after connection issues Vice Chair Shoemaker arrived at approximately 7:10 p.m.  
**Others Present:** Kirk Scharphorn Jr. (PCI) and interested residents  
**Others Attending Remotely:** Lori Castello (PCI) and interested residents
2. **Approval of Agenda** approved as submitted.
3. **Approval of Minutes from March 11, 2020 meeting** Motion by Gould, support by Roodvoets, minutes were approved 5-0
4. **Public Comments** none
5. **Inquiry of Conflict of Interest:** 2 conflicts of interest were noted:  
**Schrotenboer-** Schut variance  
**Skinner-** Bogema variance
6. **Public Hearings for Variance Requests**
  - A. **Tony Westhouse- 0313-016-005-10- relief from Section 6.05.b of the Leighton Township Zoning Ordinance**
    1. *Open Public Hearing* Chair Schrotenboer opened the public hearing at 7:15 p.m.
    2. *Reading of the Public Notice* Secretary Gould read the public notice as published (see Attachment 1)
    3. *Applicant's Presentation* Mr. Westhouse introduced himself and presented his application. If the variance is granted, he intends to demolish an existing barn behind his home and construct a new one. The barn will serve as a detached garage as the layout and location of his home are not conducive for an attached garage. If he built a garage that met setbacks it would not be large enough to serve his needs and would obstruct views from his back windows.
    4. *Staff Comments* Kirk Scharphorn stated that the power lines bisecting the property may be an issue if the ZBA determines that their location causes difficulties to the point that the standards of Section 26.09 (standards for variance) are met.
    5. *Open Public Comments/Close Public Comments* Public Comment: (no name given) "Has he started work on it yet?" Mr. Westhouse replied he had not.
    6. *Close Public Hearing* Chair Schrotenboer closed public comment at 7:25.
    7. *ZBA Discussion and Findings of Fact* Discussion ensued by the board regarding the location of the building, including whether overhangs are required to meet setback. Mr. Scharphorn informed the board that overhangs of typical size (avg. 36" or less; or small enough to not need support posts) are permitted within the setback, but post supported eaves or those larger than 36" are considered part of the footprint and must be within the permitted building space. The application was weighed against the standards for variance from Section 26.09 and consensus was determined as to whether each standard was met as follows:

- a. The power line bisecting the property causes practical difficulties or he could push it back more.
  - b. While all parcels are served by power the location of these lines is unique.
  - c. Accessory structures are permitted in the R-1. He would be in effect turning a building that already exists near to that, so the overall change wouldn't be dramatic.
  - d. The lot line he will be close to is wooded on both his and the other side, and the neighboring house is a ways back so it would not be detrimental to that property.
  - e. Mr. Westhouse did not create the location of the power line or existing home.
8. *Decision by Roll Call vote:* Motion to grant variance to allow Mr. Westhouse to construct an accessory building approximately eight feet from the east side lot line made by Skinner, support by Roodvoets. Further discussion: Gould asked about requiring some sort of aesthetic compatibility. Consensus is the location and rural nature would not call for that on this parcel.
- Roll call vote:  
 Skinner- yes  
 Roodvoets- yes  
 Shoemaker- yes  
 Gould- yes  
 Schrottenboer- yes
- Motion passes 5- 0; variance granted.**

**B. Jim Schut- (part of) 0313-010-081-00- relief from Section 7B.05.a of the Leighton Township Zoning Ordinance**

- 1. *Open Public Hearing* Chair Schrottenboer opened the public hearing at 7:30 p.m.
- 2. *Reading of the Public Notice* Secretary Gould read the public notice as published (*see Attachment 1*)
- 3. *Applicant's Presentation:* Mr. Schut introduced himself and presented his application. Mr. Schut wishes to construct an off-site garage approximately seven feet from an undeveloped right of way.
- 4. *Staff Comments:* Mr. Scharphorn explained the location of the undeveloped right of way that follows along the north and east side of Mr. Schut's property.
- 5. *Open Public Comments/Close Public Comments* Chairman Schrottenboer opened public comment at 7:35 pm. No public comments were received.
- 6. *Close Public Hearing* Chairman Schrottenboer closed public comment at 7:36 p.m.
- 7. *ZBA Discussion and Findings of Fact:* Gould questioned how an accessory structure could be built on a vacant parcel. Mr. Scharphorn and the applicant explained that this parcel had recently been rezoned to Lake Residential, wherein off-premise garages are permitted under certain parameters, and that this property would be eligible to be used as such by Mr. Schut. Further discussion regarding the road rights of way that border the property ensued, including the potential of whether these rights of way would ever be developed. Considering the location and existing development pattern surrounding the parcel, consensus was that development of these into viable roads is unlikely. The application was weighed against the standards for variance from Section 26.09 and consensus was determined as to whether each standard was met as follows:

*(Technical difficulties interrupted the meeting for approximately 12-15 minutes. Members were asked to re-state discussions for findings of fact for the record upon reconnection.)*

- a. Setback averages along developed rights of way allow for structures to be permitted as close as eight feet in some cases. As this ROW is not developed and the likelihood

of development is slim, it seems Mr. Schut would face practical difficulties in being held to a greater standard of thirty five feet.

b. The parcel is peculiar in that it is bordered by undeveloped rights of way.

c. Literal interpretation would require that Mr. Schut place his barn at a setback greater than many within the zoning district simply because there is not development along the right of way that serves his parcel.

d. The relatively remote location keeps Mr. Schut's building isolated and buffered from surrounding parcels, therefore no detriment is found.

e. The Right of Way has been in existence for decades and never developed. Mr. Schut just purchased the parcel.

7. *Decision by Roll Call vote* Motion by Gould to approve the variance, allowing Mr. Schut to construct an off-premise garage not closer than seven feet off the edge of the Road Right of Way, also measured as seventeen feet from the property line. Support offered by Skinner. Roll call vote:

Roodvoets: Yes

Skinner: Yes

Gould: Yes

Schumaker: Yes

Schrotenboer: Abstain

**Motion passes 4-0 with one abstention; variance granted.**

### **C. Brian Meidema-0313-152-110-00- relief from Sections 3.10.f and 7.05.c.3 of the Leighton Township Zoning Ordinance**

1. *Open Public Hearing* Chairman Schrotenboer opened the public hearing at 8:07 p.m.
8. *Reading of the Public Notice* Secretary Gould read the public notice as published (*see Attachment 1*)
2. *Applicant's Presentation* Mr. Miedema introduced himself and offered his application narrative. Mr. Miedema claims the narrow street-side and challenging topography would make it nearly impossible to construct an accessory building after his proposed home is built; also that the topography of the land includes large areas of wetlands, creating only a small building envelope for a possible accessory structure, and that this area does not fall within the required setbacks. He is asking for a variance to construct his accessory building prior to his home as well as a variance to allow the structure to be approximately 25' from the shore line instead of the minimum requirement of fifty feet in the R-2 zoning district.
3. *Staff Comments* Mr. Scharphorn explained that because this application was for two items, it would be best to go through the process for each request separately.
4. *Open Public Comments/Close Public Comments* Chairman Schrotenboer opened public comment at 8:19 p.m.  
Carol Smith- 371 Cove Drive: Mrs. Smith expressed concerns for obstruction of their lakeview from across the channel, whether a porta-potty will be down there (cleaning/access/location of it), when the actual house would be constructed and what if it didn't happen, as well as concerns of nuisance in the form of construction noises, dust, etc. on nights and weekends, interrupting the enjoyment of their property. She asked what policies the Township has that would protect her from such nuisances if the variances were granted.  
Chairman Schrotenboer asked Mr. Scharphorn to respond where he could as to what rules are in place. Mr. Scharphorn stated that there are noise and nuisance regulations in place, however, nights (until dark) and weekends (after 7 a.m.) are not prohibited hours for construction activities. As to whether the house

would be built, he would recommend that if approved, a condition of approval including a timeline be added. If the house was not constructed, it would become a violation of the variance granted to construct the building, meaning the Township would have the authority to require the building to be removed.

5. *Close Public Hearing* Hearing no other public comments, Chairman Schrotenboer closed the public hearing at 8:38 p.m.
6. *ZBA Discussion and Findings of Fact for each variance requested* The board determined that it should first discuss the request to construct the accessory structure prior to the home.

*C.I.6:* Chairman Schrotenboer asked Mr. Scharphorn to discuss typical procedure to permit accessory structures. Mr. Scharphorn explained that Leighton, like many other jurisdictions, requires that prior to a building permit being issued for an accessory structure, the principal structure must at minimum be under construction and have at least 10% of the work completed. The typical benchmark PCI uses to determine 10% completion is that the foundation be installed and inspected. As the foundation would cause issue here, the applicant is requesting to have that requirement waived so as to move machinery and building supplies through the area where the house will eventually stand. His ideal timeline would be to construct the accessory structure this season and begin construction on his home in 2021. Chairman Schrotenboer asked Mr. Scharphorn how long a construction permit is valid. Mr. Scharphorn stated that from the issue date, a permit must have progress made within 6 months. Progress may be defined as excavation, foundation work or site preparation. If progress stalls PCI has the authority to void a permit and require that a new permit be issued, however the company typically tries to work with the permit holder to obtain compliance and progress instead of simply voiding a permit. They, as the appointed Building Official, have the authority to grant extensions where they see fit to do so. To this end, Mr. Scharphorn asked for the board to clearly explain what they would like to see along with a specific date so that PCI can more easily enforce if need be. Chair Schrotenboer asked Mr. Miedema if May 1, 2021 sounded reasonable and he replied that it did. However more discussion ensued regarding the unpredictability of Michigan weather and it was determined that June 1, 2021 would allow for more room in case of inclement weather and other such uncontrollable delays.

Chairman Schrotenboer asked to review the standard for Variance found in Section 26.09 and consensus was found as to each standard:

- a. The parcel is unique in shape and topography; the addition of the home will cause practical difficulty to haul equipment/materials to the proposed building site.
- b. The parcel is unique in size and shape compared to the R2 district as a whole.
- c. Accessory structures are permitted on parcels with homes upon them. Mr. Miedema's intention is to build a home but the topography and shape do not lend itself well to be able to construct the home first.
- d. By adding the condition of requiring a home to be built, the ZBA finds that there will be no detriment effect upon surrounding parcels.
- e. Mr. Miedema did not create the shape of the parcel nor the unique topography thereon.

Further discussion- Chair Schrotenboer stated that Mr. Miedema did not create the circumstances or alter terrain... As to the permit process, would the variance negate that? Mr. Scharphorn stated that if the variance was granted, then yes, the regulations would be negated, thereby allowing Mr. Miedema to construct his

accessory structure prior to his home, subject to permitting and all other requirements. Gould stated that it would be important for any motion to include timeline requirements. May 1<sup>st</sup>, 2021 sounded like it was acceptable to the applicant.

*C.1.7 Decision by Roll Call vote for the variance requested* Motion by Shoemaker (as amended from May 1, 2021) to approve the variance, allowing Mr. Miedema to construct an accessory building prior to his home, with the condition that the home be under construction and the foundation completed and inspected no later than June 1, 2021. Support (as amended) by Skinner. Roll Call Vote:

Gould: yes

Schrotenboer: yes

Skinner: yes

Shoemaker: yes

Roodvoets: yes

### **C.1 (prior to Home) Motion approved 5-0, variance granted.**

**C.2. (location):** *ZBA Discussion and Findings of Fact for location variance requested.* Mr. Scharphorn was asked about a different setback for homes or accessory structures. He responded that in the R-2 zoning district all buildings must be at least 50 feet from the lake. On nonwaterfront parcels, accessory structures could be as close as five feet to the rear lot line while houses must be 25 feet. This is common to ensure there is a 'back yard area' and houses are not stacked so close together without some outdoor living space for separation. The water setback however is the same in the R-2 for all structures, which is also common, as the concerns then become protecting the stability of the shoreline and water quality. In the Lake Residential district there are reduced setbacks that allow for closer setbacks such as what is being requested here. Chair Schrotenboer asked Mr. Miedema if he could possibly move the building back a bit? It looked like he had some room to get it closer to the tree that was a visual reference to the edge of the wetlands. Mr. Miedema stated he would move it as close to the tree as possible, however the canopy from the tree is quite large and as it borders on the wetlands he was not sure if he would be permitted to nor if he desired to remove it. He stated that he believed the area of his proposed building site was rumored to be built up from the spoils that were piled there when the channel was dredged out in the past. Further discussion ensued about whether the structure would impede the view of the lake from the Smith home across the channel. It seemed that while there would now be a structure where none was before, the reasonable height and façade proposed did not cause serious detriment to that view; and that the island between would also provide some amount of buffer. Consensus for Findings of Fact related to the standards of 26.09 were determined within the discussion and are re-iterated below:

- a. The amount of wetlands on this property as well as the shape and topography would make a 50' setback from the waterfront quite difficult to maintain.
- b. The shape, topography and significant amount of wetlands are unique to this parcel in comparison with others in the R-2 zoning district.
- c. Due to the wetlands and topography, if a variance is not granted it may become impossible for Mr. Miedema to have an accessory structure, which is a right permitted and commonly enjoyed by others in the R-2 zoning district.
- d. The relative isolation of the building from other parcels and the limited location outside of wetlands will not be of substantial detriment to adjacent lands, structures or buildings, and will meet the purpose and spirit of the ordinance by ensuring a reasonable buffer between the channel, lake and the structure.

e. Mr. Miedema did not alter the topography or shape of this parcel nor did he otherwise create the existing wetlands.

*C.2.7 Decision by Roll Call vote for the setback variance requested* Motion by Skinner to approve the variance, allowing Mr. Miedema to construct an accessory building not closer than 25 feet from the lakeshore. Support by Shoemaker. Roll Call Vote:

Schrotenboer: yes

Gould: yes

Shoemaker: yes

Roodvoets: yes

Skinner: yes

**C.2 (setback) Motion approved 5-0, variance granted.**

**D. Troy and Jamie Bogema- 0313-196-052-00 relief from Section 3.26.b of the Leighton Township Zoning Ordinance**

1. *Open Public Hearing* Chairman Schrotenboer opened the public hearing at 9:08 p.m.
2. *Reading of the Public Notice* Secretary Gould read the public notice as published (*see Attachment 1*)
3. *Applicant's Presentation* Mrs. Jamie Bogema introduced herself and presented her application. Mrs. Bogema explained that they had applied for a building permit for an above ground pool which was underway when she received a call from PCI that they had received complaints about the location of the pool- that it was too close to the side lot line. Lori from PCI made an appointment and met Mrs. Bogema to measure location of the pool. The pool was well within the setback of the side lot line. She then was contacted by the Township who had received notice that the pool fell within an existing drainage easement that runs behind her home and all the others on Springwell court. PCI was made aware of this and stopped work on the pool project until resolution with the drain commission could be determined. It was also discovered that an error was made in approving the pool as the required rear yard setback is ten feet, not five as was originally determined by the Zoning Administrator who reviewed her building permit application. Mrs. Bogema was advised by Lori at PCI that the project would not be permitted to continue until affirmation from the Drain Commission was obtained, at which point PCI would then assist her in seeking a variance to determine if the pool could remain in place. Mrs. Bogema sought out the Drain Commissioner and had more than one conversation and site visit from their staff engineer at the time, Mr. Joel Morgan. The Bogemas and Mr. Morgan worked out a plan and filed an affidavit requiring certain actions that the Bogemas must take to comply, and in return, the Drain Commissioner's Office then granted permission for the pool to remain three feet into the easement. Mrs. Bogema stated she was coming before the board tonight to ask for the pool to be allowed in the Easement.
4. *Staff Comments* Lori Castello, PCI, clarified that the Township does not have the authority to permit any structures within the easement- that is under the sole authority of the Allegan County Drain Commissioner. However, a variance is being sought from the Township to allow for an above ground pool to be located closer than ten feet from the rear lot line. Kirk Scharphorn went on to state that while a mistake had been made in granting the original application, he believed there was good reason to grant a variance based on the standards, which was PCI's reasoning to have the Bogemas apply for a variance rather than removing or relocating the pool. Part of this is the fact that their lot is not very large, and that the small rear yard also is encumbered by a ten foot drainage easement, making it even less usable. There is a significant slope that requires terracing for any pool to be in place. There is also a deck that comes off the

rear of the house, the support posts for which lie approximately 25 feet from the rear lot line. Those posts must be frost protected- which means they must be at least 42" from soil surface in any direction. Therefore the terracing must not cut closer than 42" from said posts to protect them. In addition, a memo from the Township Planner, Williams and Works, was reviewed by the board members. This review along with all staff reviews for each variance request will be submitted as part of the meeting minutes to be considered part of the compiled record.

5. *Open Public Comments/Close Public Comments* Chairman Schrotenboer opened Public Comment at 9:43 p.m.

Written comments: Mrs. Castello read the email comment and virtual meeting comments into the record:

1. An email from Danielle Farr, 4256 Homestead; attached to these minutes.
2. A note from the Bogema's pediatrician; attached to these minutes.
3. A typed virtual meeting comment received during the meeting, and read into the record by Mrs. Castello as follows:

*"From Rick (no last name given): The reason I joined this meeting is the variance across the street from me. Troy and Jamie Bogema, I believe redirected the flow of the designed easement drainage is not a good idea. I have hundreds of dollars invested in my back yard, without the easement flow of water it would not be the same. If this could be relayed to the board members who potentially are opening the door for my neighbors to do this is a mistake. Thank you. The meeting electronically was a total bust. Sorry, Lori, I don't know you but I think you really tried."*

Mr. John Wright- 4253 Springwell stated that he appreciates everyone's time on this project. He went on to state the project sounds glamorous but is opening the door for everyone in the township to do this. He stated that his yard is his therapy and so many things have happened for PCI and the Bogema's- that the Drain Commission gave them options but he did not get any options. When the Bogema's tied onto the drain hose coming from their neighbors they should have asked the Drain Commission, not the neighbors. Now the Drain Commission is telling them to regrade the property but the water will still come down to him no matter what. They did not haul any dirt out when they terraced off the yard, they just spread it around and the water accumulates in his yard. He would like to know why the Bogema's are being protected? He has done nothing wrong. The strength of the Township relies on its owners and inspectors to do their job. PCI hasn't been out there to inspect anything. Where were they when the grading was changed? The Bogema's have used the pool they aren't supposed to be in. Last Saturday they were in it. It hasn't been inspected. Their pool overflowed and all that water was just running into his yard. He can't cut his grass. On 5/26 the Bogema's added water to their pool and it overflowed. He has photos. It saturated his yards. He also has a police report. He stated the Bogema's are causing problems. If the board allows this they open the door for everyone to do whatever. He states he has no ideas about ordinances or pools or anything, but how can he be a resident of Leighton- and it is a great Township. He reminds the board they have ordinances- enforce them. There is electricity pouring into that drain easement. Why weren't steps inspected? Why hasn't the pool been inspected for grading? Water hits the pool and goes into his yard. His lawnmower is stuck in his yard. He asks that the township enforce the ordinances for future residents. Why would any pool be approved on a slanted grade? He also would like to know if the decision made here tonight is final.

Steve Deer- Township Supervisor commented that he is not intending to sway a decision in any direction, just would like to provide some additional information as he has been working with the Bogema's and Mr. Wright to try to come to some sort of agreement. Mr.

Deer stated that there has been a multitude of problems in all of Harvest Meadows. The drain easement goes underground eventually and dumps into a retention pond across the street. He has been trying to work with the Drain Commission and the Township Board to see if there is a solution that wouldn't result in an expensive assessment district levy to the homeowners in Harvest Meadows. The neighbors to the North of the Bogema's have a black corrugated tile drain pipe that is buried. It cuts off at their property line, dumping water into the drainage easement behind Bogema's. The Bogema's tied onto that line and sent the water down the pipe to the edge of their property, where it then spilled into the easement on Mr. Wright's property. Per the Drain Commission's instructions, the Bogema's have removed that tile and will grade their yard properly once it is determined whether or not they can keep their pool. Ideally if they could pick their pool up and move it three feet toward the house we wouldn't be here, however that isn't possible because of the deck posts. They could get a foot or maybe two closer but not close enough to not need a variance even after all that expense. Overall, the drain issue is causing a lot of trouble in the area, but even if the pool were not in it, that still would likely not alleviate Mr. Wright's concerns.

Other continued discussion regarding the drain easement- clarification that the actual width of the easement is twenty feet- it is split in the middle and each parcel is encumbered by ten feet of it. The Drain Commission installed the black tile pipe at the neighbors to the north, not the property owners.

6. *Close Public Hearing* Chairman Schrotenboer closed the public hearing at 10:02 p.m.
7. *ZBA Discussion and Findings of Fact* Chairman Schrotenboer asked Mr. Scharphorn to discuss some of Mr. Wright's concerns. Mr. Scharphorn stated that no inspections have taken place on the pool as the work has been stopped on it since the issues came to PCI's attention. There are in fact issues with the drainage, however that is a situation that must be addressed by the Drain Commission. As the Bogema's have been able to work through that with them, PCI is not taking any position on that. He is not an engineer, however the Drain Commission did have an engineer review the issue and still was able to offer an opportunity for the pool to remain in place. If the variance is granted, then construction will resume after PCI receives confirmation from the Drain Commission that all of their requirements have been satisfied. Inspections will take place accordingly. Mr. Scharphorn pointed to the review memorandum issued by Williams and Works that the property has practical issues and that the Bogema's acted in good faith by securing permits prior to constructing the pool. There is a deck that has not been permitted, and PCI will need to review that separately, but because the permitted property line setback for a deck or accessory structure is five feet, no variance would be required. However, drain commission approval will be. As to the process, the Bogema's have the right to apply for a variance, this is the correct due process any applicant would be afforded. Typically, yes the variance would be heard prior to construction but that is not due to any malicious intent on their part. The decision of the ZBA is final, but like all decisions by the ZBA, could be appealed to circuit court by an aggrieved party.

Steve Shoemaker asked to clarify that the easement is 20 feet wide, but ten of it lies on the Bogema property. Mr. Scharphorn verified that is the case. Roodvoets commented that the easements are often twenty feet wide as the equipment used to maintain them if needed is typically twelve feet wide. Ron Schrotenboer noted that when he visited he looked up and down and could see all kinds of fencing and accessory structures that appeared to be in the easement. Mr. Scharphorn stated that yes, it's likely. Fences and accessory structures under 200 square feet do not require building permits. All



structures are required to meet setbacks for zoning regardless of size, however there is no mechanism for registration or inspections, so people often put them there not realizing requirements. The Drain Commissioner does have the right to move/remove these- all are placed at the owner's risk of potential removal from the easement for maintenance at any time.

Steve Shoemaker asked to clarify what stipulations were required from the Drain Commissioner. Mrs. Bogema listed off that they had to remove the drain tile, regrade to the standards of the Drain Commission, remove their connections from their eaves trough to the easement, and pay for some of the engineering fees. The affidavit with full information is attached to these minutes as part of the record.

Chair Schrotenboer commented that because of all the issues with the Drain Easement, it is likely that denying a variance would not help Mr. Wright. The Board might deny a variance that won't help the Bogema's but that would also not benefit Mr. Wright. As the Drain Commission has worked out a plan to allow the pool there, it seems Mr. Wright will not be directly impacted by a variance to allow for three feet closer to the property line; as it is not the setback causing the issue; rather the drainage which already had issues.

Chairman Schrotenboer asked to gather comments and consensus from the Board as to whether the variance application meets the standards of Section 26.09.

- a. Practical difficulties are found in that the pool can't meet the required setback and still leave enough room for the deck posts to be frost protected.
- b. Applicant has a unique lot in that it slopes and terracing is required to set a pool so it is on flat ground. Also there is a uniqueness in that the Applicant completed an application and began construction in good faith with a valid permit.
- c. Without being granted a variance, the applicant would be deprived of their right to execute a valid building permit issued by the Township, as well potentially deprive them of the right to an above ground pool which is permitted by right in the R2 zoning district.
- d. By approving the variance, no substantial detriment is caused to neighboring lands. Although there is a drainage issue that the neighbor claims causes him harm, the Allegan County Drain Commission has provided an opportunity for the Bogema's to place it within the easement. Therefore drainage is not the burden for the ZBA to determine, rather it is the setback. As an accessory structure could be placed closer to the property line, it is found the pool would not cause more detriment to a neighboring parcel than a use permitted by right.
- e. The circumstances are not self created as the applicant acted on good faith when they were issued a building permit to erect their pool in its current position. They bought the property as-is with all of the existing drainage issues that plague the Harvest Meadows neighborhood.

8. *Decision by Roll Call vote:* Motion by Gould to grant a variance to allow Troy and Jamie Bogema to construct an above ground pool not closer than seven feet from their rear lot line, with the condition that all standards as set forth in the affidavit between the Bogema's and the Allegan County Drain Commission (as recorded on 11/4/2019, liber 4399 page 172) are satisfied. Support from Roodvoets. Roll Call:
- Gould- yes
  - Shoemaker- yes
  - Roodvoets- yes
  - Skinner- abstain
  - Schrotenboer- yes

**Motion passes 4-0 with 1 abstention; variance granted.**

7. **New Business** No new Business was heard.
8. **Public Comment** – No additional public comment was heard.
9. **Board Member Comments** – Dave Gould commented that he was on the Planning Commission when Harvest Meadows was originally presented and that the Planning Commission was concerned with drainage at that time, however it was permitted by the engineers.
10. **Adjournment** Motion made by Roodvoets to adjourn, with support by Skinner. Unanimous approval, meeting adjourned at 10:40 p.m.

**Minutes respectfully submitted by Lori Castello, Zoning Administrator**

ADOPTED