

Minutes of the Leighton Township Zoning Board of Appeals meeting, held on
Thursday, 7/21/2022, 7:00 p.m.
at Leighton Township Hall, 4451 12th Street, Suite A, Wayland, MI 49348

The meeting was called to order at 7:05 p.m. by Vice Chair Steve Shoemaker

Attendance:

Present: Secretary Dave Gould, Steve Shoemaker, Bob Skinner, Rod Alderink, Zoning Administrator Lori Castello from Professional Code Inspections, and 1 member of the public.

Absent: Chairman Jonathan Roodvoets, Ron Schrotenboer,

Approval of agenda: Motion by Skinner, support from Alderink; motion was approved unanimously

Meeting Minutes from 6/16/2022 were reviewed. Proposed amendment to minutes to reflect Schrotenboer as absent, and to insert after item E prior to declaration of variance granted. Motion made by Gould, supported by Skinner to clarify amended setbacks as 13' from west side lot line and 4' from east side lot line. All ayes, motion carried. Gould moved for adoption of minutes as amended with support from Skinner; motion was approved unanimously.

Public Comment for items not on the agenda: None.

Conflict of Interest for any agenda items: None declared.

Public Hearing: A variance request from Jim Schut, owner of an unaddressed parcel on East Shore Drive, also known as Permanent Parcel 03-13-010-081-02, for renewal of a previously approved variance granting relief from Section 7.05(a) of the Leighton Township Zoning Ordinance to construct a principal structure within the required front yard setback

Shoemaker read aloud the notice of public hearing. Scharphorn verified that mailers were sent on 6/29/2022 and publication occurred in the 6/30/2022 edition of the Allegan County News, meeting all statutory requirements for the variance consideration.

Applicant Jim Schut, owner at 4578 East Shore Drive, presented his application. He is requesting to be re-approved as his previous variance approval expired due to construction delays with COVID.

Vice Chairman Shoemaker opened the hearing for Public Comment at 7:23 pm. No public in attendance; public comment closed at 7:24 pm.

Board discussion and comments:

Castello discussed reason for re-hearing with members for this variance request.

Gould asked Mr. Schut if his proposed use is for personal storage only or for business use. Mr. Schut confirmed it was for personal storage only.

Alderink asked for size confirmation- request for size is 3200 square feet (40x80).

Gould asked about the survey. Schut explained that previous owner of adjacent property had the boundary surveyed to determine location. Shoemaker commented his site visit showed that the right of way is not physically visible as it has not been improved.

Gould had questions regarding the topography; Mr. Schut wishes to push the building as far back as possible as he has several neighbors who use the area for parking. The proposed position allows for the preservation of trees between his parcel and some neighboring parcels which will maintain the existing privacy.

Shoemaker suggested the board work through the findings of fact. Castello noted that although it is a re-approval, the standards should be at minimum reviewed to determine the same conditions exist.

Section 26.09. Variance (Standards)

“No variance in the provisions or requirements of this Ordinance shall be approved by the Zoning Board of Appeals unless the Board makes findings, based upon competent material and substantial evidence on the whole record that all of the following standards will be met:

- (a) *That the enforcement of the literal requirements of this Ordinance would cause practical difficulties.*

Discussion/ Findings: Minutes from 2020 and Mr. Schut’s application reveal that this condition is met as the ROW is not developed.

Motion by Alderink that standard (a) is met with support from Skinner.

Ayes: Alderink, Skinner, Shoemaker, Gould. **Motion passes 4-0.**

- (b) *That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

Discussion/Findings: The property is peculiar in that it is bordered largely by undeveloped rights of way without a travel lane.

Motion by Skinner that standard (b) is met with support from Alderink.

Ayes: Alderink, Skinner, Shoemaker, Gould. Nays: none. **Motion passes 4-0.**

- (c) *That the literal interpretation of a provision of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.*

Discussion/Findings: In 2020 we found that the literal interpretation would deprive similar development rights as compared to others as the right of way is undeveloped. Same conditions exist.

Motion by Skinner that standard (c) is met with support from Shoemaker.

Ayes: Alderink, Skinner, Shoemaker, Gould. Nays: None. **Motion passes 4-0.**

- (d) *That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures or buildings, and will not be contrary to the spirit and purpose of this Ordinance.*

Discussion/Findings: 2020 findings noted that the parcel is remote in character with undeveloped Rights Of Way around his property. There are currently no known plans for the road development. Current day conditions remain the same.

Motion by Gould that standard (d) is met with support from Skinner.

Ayes: Alderink, Skinner, Shoemaker, Gould. Nays: None. **Motion passes 4-0.**

(e) *That the special circumstances or conditions referred to in subsection (b) do not result from the actions of the applicant.*”

Discussion/Findings: There was no discrepancy with subsection (b) as found in 2020. The ROW has not been developed in many years

Motion by Alderink that standard (e) is met with support from Skinner.

Ayes: Alderink, Skinner, Shoemaker, Gould. Nays: None. **Motion passes 4-0.**

Shoemaker noted that the Zoning Board of Appeals voted that all of the required standards of Section 26.09 have been met and declared that the front yard variance is granted.

New Business: None.

Round table comments: None.

8:13 pm Motion to adjourn by Gould, with support by Skinner. Motion passed unanimously.

Respectfully submitted by Lori Castello, Zoning Administrator