



ZONING BOARD OF APPEALS January 5, 2023

Minutes

Call to order – 7 p.m. by Gustafson followed by the Pledge of Allegiance

Roll Call – Gillett (alternate), Jarema, Gustafson, Makuski present. Kutzli and O’Dell excused as absent

1. Makuski motioned to approve the **Minutes from July 25, 2022**, as presented. Jarema supported the motion. All members voted yes; motion carried.

2. **Variance Request: 13163 Vergennes St – Speerstra**

James Speerstra presented his application. He would like to make the drive on his property a legal shared driveway to access the back of his property to create the possibility of a future land split. It was pointed out that the two-track drive has been in existence for many years, however, there are no permits for it and land to the west has been developed, bringing boundary line to west side of drive.

A variance is needed for two reasons, 1. The drive is too close to the house in the front of the property, and 2. The drive is too close to the west boundary line.

Neighbors Kurt and Cindy Kline stated the area has no drainage issues, and they have no issue with the drive being allowed, however the current two track has grown or shifted and currently is on their property.

The Board discussed practical difficulty, how difficult is too difficult.

Gillett motioned to grant the variance based on the fact that the drive has been there and with the condition that total easement needs to be a set distance from the property lines.

In discussing exact measurements, it was pointed out that the site plan/survey does not have measurements for easement or the new improved drive.

Gillett withdrew the motion.

Makuski motioned to table the application until there is a survey that details and measures the actual easement and the improved usable drive. Jarema seconded the motion. All members voted yes; motion carried.

Zoning Board of Appeals expressed that they were favorable to the variance but needed the survey to show easement and drive in order to approve the easement and drive.

3. Variance Request: 687 Lincoln Lake Ave SE – All Weather Seal

The company sent a representative to take notes, but no presentation or answered questions from All Weather Seal. Zoning Administrator pointed out that the building was built under a stop work order. AWS then submitted application to Planning Commission for Site Plan Review. Planning Commission saw that the building is in the setback from the most recent building, application could not be considered without a variance.

Gustafson pointed out that a variance cannot be granted for a self-created situation.

Gustafson motioned to deny variance without prejudice to it being renewed if and when the Planning Commission and the Township Board have the full opportunity to address the prior problems around the permitting of this project and finalize their review of the site plan and other requirements for the project. Gillett seconded the motion. All members voted yes; motion carried.

4. Public Comment – there was none.

Updates – Chair Gustafson pointed out the there is a need to amend some ordinances and the criteria & judgement form needs changed and officially adopted. Board set February 9 for the next ZBA meeting.

Jarema motioned to adjourn, Makuski supported. Meeting adjourned at 9:40 p.m.



Shantell Ford, Clerk



Date Approved