

**Charleston Township Zoning Board of Appeals
May 30, 2017**

Call To Order:

The meeting was called to order at 7:00 p.m. by the Chair Mark Appelgren who led those present in the pledge of allegiance to the flag.

Roll Call of Officers:

Roll was called and members present were: Linda Locey, Don Balkema, Mark Appelgren, Jim Whitehead and Don Kramer. Absent: None. Also in attendance were the Zoning Administrator, Bert Gale, Jerry VanderRoest, James L. and Melonie Curtis, James R. Curtis, Pat Crowley, County Drain Commissioner, Richard Zesiger, and Rebecca D'Angelo.

Adoption of Proposed Agenda:

Balkema/Whitehead moved to adopt the agenda as presented. CARRIED

Approval of Minutes:

Balkema/Kramer moved to accept the minutes of November 29, 2016 as presented. CARRIED

Citizen Time:

Pat Crowley explained what was considered wetlands according to the National Wetlands Inventory Maps. Richard Zesiger referenced the letter he sent to the township in favor of the variance request. Rebecca D'Angelo testified to the character of the Curtis family. Bert Gale, the Zoning Administrator and Building Official, said that he had had a conversation with DEQ. They said the distance to the wetlands needs to be measured. Mr. Curtis insisted that there are no wetlands there. A majority of the Board agreed that wetlands were not an issue.

New Business:

**James L Curtis
4603 N 37th St
Galesburg, MI 49053**

3908-06-226-017 Variance from the Zoning Ordinance:

Mr. Curtis presented his case for the variance. He detailed the process he followed before he started the construction of the pool. Mr. Gale admitted that AGS made a mistake by not measuring. Mr. Curtis also admitted that he made a mistake in measuring the distance to the creek. He used the house as his starting point instead of the edge of the potential pool. The required distance is 50 feet. The actual distance from the pool to the creek is 35 feet. There being no more comment, the Chairman called for the Board to review the variance standards.

Item a. asked if there were practical difficulties in the way of carrying out the strict letter of the provision due to the size or shape of the lot or topographical reasons. After some discussion, the Board agreed that there were no other location options due to the size and shape of the lot as well as topographical conditions. There was no other place to locate the pool that would fall within the setback requirements.

Item b. asked if the variance will not affect or be detrimental to any adjoining property. The Board agreed that the pool would not have a detrimental effect on surrounding properties.

Item c. asked if the variance will allow the spirit of the ordinance provision to be observed and public safety observed. The Board agreed that it would.

Item d. asked if the variance was necessary for substantial justice to be done. The Board agreed that the variance was necessary.

Standard 2 states that hardships based solely on economic conditions are not grounds for approval of a variance. The Board agreed that economic hardship was not the issue.

Standard 3 states that the hardship cannot be self-created. The Board agreed that the hardship was not self-created.

Balkema/Locey moved to approve a 35-foot variance for construction of a pool for James L Curtis, 4603 N 37th St., because of topographical conditions. Roll Call Vote: Balkema – Y; Locey – Y; Kramer – Y; Whitehead – Y, Appelgren – Y. CARRIED

Adjournment:

Balkema/Kramer moved to adjourn at 7:46 p.m. CARRIED

Minutes prepared by:

Linda Kramer
06/01/2017