

**Charleston Township Zoning Board of Appeals
June 13, 2017**

Call To Order:

The meeting was called to order at 7:10 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, Mark Appelgren, Jim Whitehead and Don Kramer. Don Balkema arrived at 7:20 p.m. Absent: None. Also in attendance were Jerry VanderRoest, John and Marcia Batch, and David and Charlene Williamson.

Adoption of Proposed Agenda:

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

Approval of Minutes:

Kramer/Whitehead moved to approve the minutes of May 30, 2017 with one correction. The number 40 was substituted for the number 35 in the motion made by Balkema/Locey at the end of the minutes. CARRIED

Variance Request:

**David Williamson
14587 Lonchar Drive
Climax, MI 49034**

3908-27-451-081 Variance from the Zoning Ordinance:

The Chairman, Mark Appelgren, asked Mr. Williamson to explain his request for a variance. Mr. Williamson stated that he wanted to build a garage on his lake lot that has an electrical pole in the way on one side and his septic system and drain field in the open area next to his house. The garage he proposed would be two feet from the property line instead of the 20 feet required by the zoning ordinance.

John and Marcia Batch own the adjacent property and the road. They explained the peculiar circumstances surrounding the lake front lots and the private road that provides access to the homes. The road has been moved from its traditional place and as a result some of the homeowners have been encroaching on his property. Mr. Davidson admitted that he had a couple of sheds on Mr. Batch's road right of way and one of the reasons he wanted a garage was to store the items that are in the sheds in his new garage.

The Chairman explained to the Williamsons that there were criteria the Board had to use in considering their request and all the criteria had to be met. He read Item a. from the zoning ordinance which 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 for topographical reasons. After some

discussion, the Board asked if the garage could be placed in a couple of different places on the lot. Mr. Williamson gave his reasons why he didn't think those solutions would work. The Board suggested that he try to purchase 20 feet in the road right of way from Mr. Batch to make the lot legal with the garage on it. They also suggested that he could bring in some fill to level out an area in another part of the lot for a garage. The Williamsons didn't want to spend that much money. The Chairman went on to the rest of the criteria.

Item b. asked if the variance will not affect or be detrimental to any adjoining property. The Board thought that there was potential for problems especially if the road was moved back to its original position.

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 not.

Item d. asked if the variance was necessary for substantial justice to be done. The Board agreed that the property was similar to other properties in the area.

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 sole issue.

Standard 3 states that the hardship cannot be self-created. The Board agreed that, while the hardship was not self-created, it could be remedied.

Mr. Appelgren told the Williamsons that the Board could table their request while they investigated the possibilities the Board suggested. He also told them that they could withdraw their request for a variance at this point. If they didn't, they could not make another request for another year. Mr. Williamson said to go ahead and take the vote.

Balkema/Whitehead moved that, based on difficulties meeting the criteria of the zoning ordinance, the variance request was denied. Roll Call Vote: Balkema – Y; Locey – Y; Kramer – Y; Whitehead – Y, Appelgren – Y. CARRIED

Adjournment:

Balkema/Kramer moved to adjourn at 7:55 p.m. CARRIED

Minutes prepared by:

Linda Kramer
06/15/2017