

**Charleston Township Zoning Board of Appeals  
August 8, 2019**

**Call To Order:**

The meeting was called to order at 7 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, Don Kramer. Absent: Don Balkema (due to potential conflict of interest since he owns adjoining property, he disqualified himself from meeting). Also in attendance were Jerry Vander Roest, Craig Rolfe, Bert Gale and James and Michelle Hughes.

**Approval of Minutes:**

Kramer/Whitehead moved/seconded to approve the minutes of October 2, 2018 as presented. CARRIED.

**Public Hearing:** Chairman opened public meeting. It was noted that Mr. and Mrs. William Graham submitted written comments noting their opposition to the Hughes' proposal as presented. Copies of their letter were given to all present at meeting. There were no other public comments.

**Variance Request:**

Mr. and Mrs. James R. Hughes  
11641 Climax Drive  
Galesburg, MI  
3908-19-210-010 Variance from the Zoning Ordinance.  
R-3 zoning classification

The Chairman, Mark Appelgren, asked Mr. Hughes to explain his request for a variance. Mr. Hughes stated that he first bought the property in 2006. At that time, the property had a house which was in poor condition (with termites) and one out building. He made a decision to dispose of both buildings and had the fire department burn both structures. He did plan to build on the property at that time but then sold the property. Then bought the property back and wants to build a home and accessory building. Mr. Hughes has applied to FEMA and has got the permit from the State to proceed. He also has other permits that are needed for the property and has applied for them.

Mr. Hughes requested setback relief to place proposed dwelling 17 feet from the rear lot line (Kalamazoo River) instead of the required 72.5 feet, and 1 foot from the front lot line (road right-of-way) instead of the required 35 feet. The applicant is also requesting variance relief to place the proposed accessory building (1,024 square feet) 24 feet from the rear lot line (river) instead of the required 72.5 feet, and 16 feet from the front lot line (road right-of-way) instead of the required 35 feet.

The Summary Review provided by the Zoning Administrator stated variances are required for both proposed buildings. For the accessory building, variances would be needed for: location, watercourse setback, front yard setback, building height (peak) and lot coverage. For the residential building, variances would be needed for front yard setback and watercourse setback.

The Chairman explained that to grant the variances, the request had to meet certain standards (as specified in Section 28.8 of the Charleston Township Zoning Ordinance). He also explained that the project had to be started within six months and, if the variance request was not approved, the Hughes' had to wait a year before they could apply again.

Township Attorney noted property is not buildable for a minimum size dwelling and shed without significant variances. He advised the Board has the latitude to grant or not grant relief, but the Board's job is not to redesign the proposal. He also advised the Board may find a basis to grant some variance relief, but not necessarily to the extent requested by the applicant for a preferred project.

Accessory building – Gale, pointed out 5 issues with this proposed accessory building:

1. Rear yard setback – accessory buildings shall be located in rear yard subject to setback requirements.
2. Watercourse setback issue – 75' is the requirement – proposed is 1 ft.
3. Maximum accessory building height – 20 Ft. allowed, proposed is 21' - 11 5/8"
4. Minimum front yard setback – 35' is the requirement – 16 ft. is proposed
5. Building Size – 50% of dwelling coverage allowed – 56.8% dwelling coverage is proposed.

The Board, led by Chairman, began the review of the variance standards based on Section 28.8, and made the following findings by consensus:

Accessory Building:

Item a: Board agreed applicant met standards, due to the unusual size and shape of the property, and the implications of the river frontage.

Item b: Board agreed applicant met standards, as there was no evidence of view blockage from other property or any other apparent substantial detriment.

Item c: Board agreed applicant did not meet standards, because the scope of the requested relief is contrary to the spirit (purpose) of the applicable ordinance requirements.

Item d: Board agreed applicant did not meet standards, because there is no substantial property right to an accessory building of the size proposed by the applicant.

Whitehead/Locey **moved/seconded to deny request for accessory building as presented by applicant.**

Roll Call Vote: Appelgren- Y, Locey – Y, Kramer – Y, Whitehead – Y, CARRIED

House:

Item a: Board agreed applicant met standards, based on the above findings as to the accessory building.

Item b: Board agreed applicant met standards, based on the above findings as to the accessory building.

Item c: Board agreed applicant did not meet standards, because the scope of the requested relief is contrary to the spirit (purpose) of the applicable ordinance requirements, and the proposed 1' setback from the road right-of-way does not secure public safety.

Item d: Board agreed applicant did not meet standards, because there is no substantial property right to a dwelling of the size proposed, which is significantly in excess of the minimum required dwelling area (1,000 square feet).

Applegren/Locey **moved/seconded to deny request for home as presented by applicant.** Roll Call Vote:  
Appelgren – Y, Locey – Y, Kramer – Y, Whitehead – Y, CARRIED

**Adjournment:**

Applegren/Whitehead moved/seconded to adjourn meeting. CARRIED. Meeting adjourned at 8:50 p.m