

LEROY TOWNSHIP
8156 4 Mile Road
East Leroy, Michigan 49051

ZONING BOARD OF APPEALS MEETING MINUTES
January 15, 2020

CALL TO ORDER-

The meeting was called to order by Vice Chair Mike VanHouten at 6:10pm.

ROLL CALL-

Members present included Mike VanHouten, Randy Lang, Alternate Ben B and Travis Arbogast (**arrived at 6:17pm**).

Others present: Zoning Administrator Rob Behnke, Mr. Ted Hunt and Mr. Paul Vargas.

APPROVAL OF MEETING MINUTES-

A motion was made by Mike VanHouten to approve the October 9, 2019 meeting minutes as presented, supported by Randy Lang. **Motion carried with unanimous approval.**

HUNT GENERAL PUBLIC HEARING-

Do the absence of Chairperson Arbogast, Vice Chair VanHouten called the Public Hearing to order at 6:11pm.

Presentation:

Mr. Ted Hunt, owner of the property at 512 H Drive S, indicated that he was seeking a variance (relief) for the front yard setback requirement of 100 feet from the road right of way for his already constructed detached 2-car garage. Mr. Hunt freely admitted that he did not properly obtain a building permit for the garage and that he should have checked on the setback requirement prior to building the garage. He apologized for his poor decision making, accepting full responsibility for his actions. Since then he has filled out a building permit application.

Zoning Administrator Behnke explained how this situation came to light. He also explained that if Mr. Hunt has sought out his building permit prior to the construction of his 2-car garage he would have known that the location he had chosen was too close to the road-right-of-way as per the township zoning ordinance.

Mr. Hunt again apologized for not doing things correctly. He is hoping that the zoning board will grant relief of approximately 65 feet from the 100-foot front yard setback requirement and not make him remove the garage which is currently attached to a concrete floor (25 feet by 20 feet). He said the detached garage cost him \$10,000.00 and that it currently lines-up with the house which is *grandfather-claused* from the 100-foot setback requirement. And that the property is small for ag zoning (the property is less than

1 acre in size) and that he has a septic system and drain-field that precludes him from locating the detached garage further back on his property.

Board Member Questions/Comments:

Chairperson Arbogast expressed a serious concern about what Mr. Hunt did and about setting a precedent for future variance requests. He also mentioned that the penalty for starting work without a building permit is very minor \$150.00.

Member Lang also expressed concern about Mr. Hunt doing all the things he did without a proper building permit. It puts the zoning board in a very tough position. He also indicated that the penalty of \$150.00 should be much greater.

Alternate Member Belote indicated that the size of the lot is problematic but the detached garage would add value to the property and that it does lineup with the house.

Vice Chair VanHouten indicated that the 100-foot front yard setback is based upon a 3-acre parcel and that Mr. Hunt's parcel is only 0.852 acres. Placing the detached garage further back on the property would make it basically a shed and not a garage. Plus, the current septic system and drain-field make it impossible for Mr. Hunt to comply with the front yard setback requirement.

Public Questions/Comments:

Mr. Paul Vargas, (ADDRESS NEEDED), questioned whether Mr. Hunt was going to live in the house or is he going to "flip-it" once the repairs are completed. Mr. Hunt indicated that once the house is repaired and updated, he would like his wife to see it to see if she would like to move from their current home in Athens to this house on H Drive South.

Mr. Vargas, who is a licensed builder, expressed his concern about contractors not checking to see if the property owner obtained the proper permits and that the penalty of \$150.00 does not do enough to deter people from not obtaining necessary permits.

It was noted by Zoning Administrator that the Township Office did not receive any calls, nor did they receive any letters, with regard to the HUNT variance request.

CLOSURE OF PUBLIC HEARING:

Chairperson Arbogast closed the Public Hearing at 6:45pm.

NEW BUSINESS-

A motion was made by Mike VanHouten to **approve** the variance requested by Mr. Hunt as requested allowing the detached 2-car garage to remain in its current location (relief of approximately 65 feet) at 512 H Drive S because the relief does meet the requirements, as outlined under Article XXVI, Sec. 38-804 of the Leroy Township Zoning Ordinance, for the granting of such variance, supported by Travis Arbogast.

A Roll Call vote was taken on the motion:

VanHouten- YES

Lang- YES

Arbogast- YES

Motion carried. Variance approved.

ZBA Member Questions/Comments:

Chairperson Arbogast apologized for being late to the meeting. Members also welcomed Ben Belote as the new zoning board alternate. Zoning Administrator Behnke indicated that he would find out why the penalty for not obtaining a proper permit (building, electric, plumbing, mechanical and zoning) is only \$150.00.

ADJOURNMENT-

A motion was made by Mike VanHouten to adjourn the meeting at 6:59pm, supported by Travis Arbogast. Motion carried with unanimous support. Meeting adjourned.

Respectfully submitted,

ROB BEHNKE
Acting Secretary