

**LEROY TOWNSHIP
8156 4 Mile Road
East Leroy, Michigan 49051**

**ZONING BOARD OF APPEALS MEETING MINUTES
October 12, 2022**

CALL TO ORDER-

The meeting was called to order by Vice Chair VanHouten at 6:00pm.

ROLL CALL-

Members present: Randy Lang, Mike VanHouten and Ben Belote. Travis Arbogast was excused.

Others present: Zoning Administrator Rob Behnke and (6) citizens

APPROVAL OF MEETING MINUTES-

A motion was made by Randy Lang to approve the September 20, 2022 meeting minutes as presented, supported by Ben Belote. **Motion carried with unanimous approval.**

LEWIS PUBLIC HEARING-

Vice Chair VanHouten called the Public Hearing to order at 6:02pm.

Presentation: Mrs. Janet Lewis, 3512 B Drive South, explained her desire to obtain a variance so that she could keep her accessory building where it is currently located near her side door because she is 86 years old and its convenient for her. Zoning Administrator Behnke explained that the accessory building is too close to the road right of way (ROW). The zoning ordinance requires a front yard setback of at least 25 feet. The current accessory building is approximately 14 feet from the road right of way. Mr. Behnke further explained that a Zoning Permit was not obtained by either Mrs. Lewis or her builder, Mr. Heath Hale. A letter dated September 1, 2022 was sent to Mrs. Lewis indicating that the accessory building was in violation of the Leroy Township Zoning Ordinance and that she would need to move the accessory building back or remove it from the property.

Mrs. Lewis indicated that her builder told her that he would not move the accessory building. The builder charged Mrs. Lewis \$9,000.00 for the accessory building and that he still needs to pour a concrete floor inside the accessory building plus add an electrical service. She still owes him \$1,000.00.

ZBA MEMBER QUESTIONS/COMMENTS-

Ben Belote questioned moving the accessory building back 11 feet on the property. Mrs. Lewis indicated that they could not do that due to the fact that her septic system is located just 3 feet from the accessory building.

Randy Lang suggested that Mrs. Lewis pursue legal action against her builder for not obtaining the necessary zoning permit. Mrs. Lewis did indicate that she has a preliminary discussion with an attorney about it.

PUBLIC QUESTIONS/COMMENTS-

Mr. Steve Yurisich, 3524 B Drive S, asked about granting a temporary variance until the ownership of the property changes so that Mrs. Lewis could keep her accessory building at its current location. Zoning Administrator Behnke stated that the granting of variances goes with the property, not the individual. Mr. Yurisich asked that the board grant the variance due to physical hardships Mrs. Lewis has.

Zoning Administrator Behnke indicated that the Township did not receive any letters, telephone calls or emails associated with this public hearing. He also suggested that it might be appropriate to table this matter for at least 6 months giving Mrs. Lewis an opportunity to pursue legal action against her builder. He also stated that if the ZBA granted a variance it would reward the builder for not obtaining a proper Zoning Permit. And while he and the members of the ZBA are sympathetic to Mrs. Lewis' situation, it would be far better in the long run if the accessory building could be moved to another spot on the property, especially if it reduced the current relief request of 11 feet.

CLOSURE OF PUBLIC HEARING-

Vice Chair VanHouten closed the Public Hearing at 6:22pm.

NEW BUSINESS-

After further discussion, motion was made by Randy Lang to TABLE the LEWIS variance request for 6 months so that Mrs. Lewis can seek legal action against her builder with the understanding that she can continue to use the accessory building but that there would be no more work on it (e.g. concrete floor and electric service would not happen) and that she will keep the Leroy Township Office update on the status of legal action, supported by Ben Belote.

ROLL CALL VOTE:

Belote- YES

Lang- YES

VanHouten- YES

Variance GRANTED.

ZBA MEMBER QUESTIONS/COMMENTS-

There were no board member questions or comments.

PUBLIC QUESTIONS/COMMENTS-

There were no public questions/comments.

ADJOURNMENT-

A motion was made by Randy Lang to adjourn the meeting at 6:25pm, supported by Ben Belote. **Motion carried with unanimous support.** Meeting adjourned.

Respectfully submitted,

ROB BEHNKE

Zoning Secretary