

**Chair**  
Christopher LaGrand  
**Vice-Chair**  
Steve Gobbo  
**Secretary**  
Robert Reese, III  
**Board Members**  
Johanna Balzer, Trustee  
Donald Riel  
Andrew Richards  
Jeff Carpenter



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**Township Planner**  
Jim N. Foulds

**Planning Assistant**  
Tory Niewiadomski

**Recording Secretary**  
Linda K. Parkinson

**ZONING BOARD OF APPEALS  
MINUTES  
WEDNESDAY, APRIL 17, 2013  
7:00 P.M.**

The regular meeting of the DeWitt Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chairman LaGrand.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Reese.

**MEMBERS PRESENT:** Steve Gobbo, Andrew Richards, Jeff Carpenter, Donald Riel, Christopher LaGrand, Robert Reese, III and Trustee Balzer.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Planning Assistant Tory Niewiadomski.

**APPROVAL OF AGENDA:** Gobbo moved to approve the agenda as presented. Supported. **MOTION CARRIED.**

**APPROVAL OF MINUTES:** Gobbo moved to approve the minutes of the December 19, 2012 meeting with the amendment that Trustee Balzer was not absent from the meeting as her term of office began in January 2013, therefore the minutes should indicate a vacancy. Supported.

**MOTION CARRIED** to approve the amended minutes of the December 19, 2012 meeting.

**CORRESPONDENCE:** None

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

- I. PUBLIC HEARING - Appeal 13-770001 – From Steve Barner**, requesting a three (3) foot variance to the required ten (10) foot side yard setback for the R4 (Residential Single and Two

Family) zoning district to be allowed to construct a 16 ft. by 21 ft. addition to the existing attached garage that would be seven (7) feet from the side property line. The property is located at 3139 Granview Lane, DeWitt, MI 48820, Lot #89 of Springbrook Hills East Subdivision, in Section 6 of DeWitt Charter Township

- A. Open Public Hearing. **Chairman LaGrand declared the Public Hearing opened at 7:05 p.m.**
- B. Administrative Comments/Applicant/Public Comments.

Planning Assistant Tory Niewiadomski briefly reviewed staff's report dated April 10, 2013 pointing out the location of the site. The property is currently zoned R4 (Residential Single and Two Family). The surrounding zoning also consists of R4 (Residential Single and Two Family).

The applicant is requesting to construct a 16 ft. by 21 ft. addition to the west side of the existing attached garage. If approved, the addition would be seven (7) feet from the property line. The Zoning Ordinance currently requires a ten (10) foot side yard setback. Staff has noted that most of the homes in the subdivision have three car attached garages. Therefore, the request would be consistent with the character of the surrounding neighborhood.

It should be noted that the neighbor to the west of the subject site has submitted a letter stating that they have no issues with the applicant's request for a variance. Additionally, the applicant has contacted the Architectural Review Committee for the Homeowners Association regarding his intent to construct an addition and has received their approval.

Niewiadomski went on to review the request for compliance with all four Basic Conditions and the two Special Conditions, as set forth in Section 42-70 of the Zoning Ordinance. For a variance to be approved the request must meet all four Basic Conditions and at least one of the Special Conditions. Staff finds that the request meets all four Basic Conditions and Special Condition (a) (See staff report).

Gobbo stated the proposed addition appears to be larger than ½ of the existing two car garage. He questioned if a request of this nature has ever been approved.

Niewiadomski stated it is typical to find a 16 ft. wide garage door opening. However, it is more typical for a single car garage door opening to be 9 ft. wide. He further advised that a similar request was approved approximately ten years ago for property in the same subdivision as the subject site.

Hearing no further questions, Chairman LaGrand invited the applicant to speak.

Steve Barner, applicant, 3139 Granview Lane, DeWitt, MI 48820, agreed that the size of the proposed third stall is larger. The existing two car garage is 24 ft. by 24 ft. and has two 9 ft. doors. The proposed third stall would be 16 ft wide and is intended to be used for parking his third vehicle and storage for tools, lawn equipment, etc. He also intends to have a 3 ft. interior pass through from the existing garage into the proposed addition. The addition will also match the exterior of the existing structure.

Brief discussion followed regarding the fact that the applicant's house is a walk out.

Carpenter questioned if the applicant removed the entire west wall of the existing garage perhaps the entire 3 ft. variance might not be required.

Mr. Barner advised removal of the existing west wall would require re-engineering of the roof as that wall supports the roof.

Chairman LaGrand invited public comment.

There were no public comments.

Gobbo questioned if the Fire Department had reviewed this proposed addition and confirmed that they would be able to access the rear of the site if the proposed addition is constructed.

Niewiadomski advised that the Zoning Ordinance requires a minimum 20 ft. separation that would still be met if the proposed addition were constructed. Staff would be willing to have the Fire Marshall review the plans submitted by the applicant.

Brief discussion followed regarding concern with access to the rear of the site by the Fire Department.

Balzer questioned if there was a requirement for an egress door from the proposed addition.

Mr. Barner advised he would be glad to construct an egress door if it is required.

Niewiadomski advised the Building Department would review the building plans and determine if a door is required.

- C. Close Public Hearing. **Hearing no further questions or comments, Chairman LaGrand declared the Public Hearing closed at 7:25 p.m.**
- D. Discussion and possible action by Board of Appeals.

Carpenter stated he drove past the subject site today and noted the location of the proposed addition is favorable in that it is on the same side as the neighbor's garage rather than their living area.

**Gobbo moved that Appeal 13-770001 from Steve Barner, granting a variance of three (3) feet to the required ten (10) foot side yard setback requirement for the R4 Residential District to allow the construction of an approximately 16 ft. by 21 ft. addition to the existing attached garage on property located at 3139 Granview Lane, DeWitt, MI 48820 be approved. Approval is based on the finding that the request meets all four of the Basic Conditions and Special Condition (a) listed in Section 42-70 of the Zoning Ordinance, with the following condition:**

1. **Review and final sign off by the Fire Department.**

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

- E. Possible Certification of Decision.

**Carpenter moved to approve the Certification of Decision for Appeal 13-770001, as stated in the motion above. Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

**II. PUBLIC HEARING – Appeal 13-770002 – From Michael and Kimberly Nitzsche, requesting an 8.8 foot variance to the required twenty (20) foot side yard setback for the A (Agricultural) zoning district to be allowed to construct a 24 ft. by 22 ft. two car attached garage onto the existing home that would be 11.2 feet from the side property line on a non-conforming lot based on the minimum lot size requirements of one (1) acre to be permitted to expand construction on a lot that is 26,543 sq. ft. or 0.6 acres. The property is located at 15134 Turner Road, DeWitt, MI 48820, south of Stoll Road, north of State Road, in the northwest ¼ of Section 28 of DeWitt Charter Township.**

**A. Open Public Hearing. Chairman LaGrand declared the Public Hearing opened at 7:30 p.m.**

**B. Administrative Comments/Applicant/Public Comments.**

Niewiadomski briefly reviewed staff's report dated April 10, 2013 pointing out the location of the site. He advised the subject property is non-conforming to today's standards as the lot was created and the home was constructed prior to the Zoning Ordinance going into effect. The lot size is approximately 0.6 acres. The current standards require a minimum of one (1) acre for a lot in the A (Agricultural) zoning district.

The applicant is requesting an 8.8 ft. variance from the required twenty (20) foot side yard setback for principal structures in the A (Agricultural) zoning district to be allowed to construct a 24 ft. by 22 ft. two car attached garage onto the existing home that would be 11.2 feet from the side property line on a non-conforming lot based on the minimum requirements of one (1) acre to be permitted to expand construction on a lot that is 26,543 sq. ft. or 0.6 acres.

The surrounding zoning consists of A (Agricultural). The surrounding land use consists of Residential to the north and south, and Residential/Vacant to the east and west.

Niewiadomskie noted it would be difficult for the applicant to locate the proposed addition anywhere else, based on the location of the home and the size of the subject site.

Niewiadomski went on to review the request for compliance with all four Basic Conditions and the two Special Conditions, as set forth in Section 42-70 of the Zoning Ordinance. For a variance to be approved the request must meet all four Basic Conditions and at least one of the Special Conditions. Staff finds that the request meets all four Basic Conditions and Special Condition (a) (See staff report).

Gobbo questioned if staff knew when the house on the south side of the site was constructed.

Niewiadomski stated he is not certain when the house to the south of the site was built. He would suspect it was prior to 1978.

Chairman LaGrand invited the applicant to speak.

Michael T. Nitzsche, applicant, 1340 Boichot Road, Lansing, MI 48906, stated he purchased the property in February of 2013. He and his wife intend to move into the home and prefer to have a garage since currently one does not exist.

Carpenter questioned if the applicant had permission to use the driveway of the property owner to the north of the site.

Nitzsche stated his father owns the adjacent property to the north of the site. The garage doors will face Turner Road and he intends to build a driveway on his property that would access Turner Road.

Niewiadomski noted a lot line adjustment was considered. However, due to the fact that the accessory building on the property to the north had a lean on it a lot line adjustment to the north was not an option.

Chairman LaGrand invited public comments.

Tom Nitzsche, 2088 W. Stoll Road, DeWitt, MI 48820, spoke in support of the request. He feels the property looks much better when everything can be stored inside.

Brief discussion followed regarding the fact that the driveway on the property to the north is used to access the existing accessory structures. The home on that property has a separate drive. Should the Road Commission not grant the applicant access to Turner Road, perhaps an easement on the adjacent property to the north would be an option.

There were no further questions or comments.

- C. Close Public Hearing. **Chairman LaGrand declared the Public Hearing closed at 7:45 p.m.**
- D. Discussion and possible action by Board of Appeals.

**Gobbo moved that Appeal 13-770002 from Michael and Kimberly Nitzsche, granting the variance of 8.8 ft. to the required 20 ft. side yard setback requirement for the A (Agricultural) Zoning District to allow the construction of an approximately 24 ft. by 22 ft. attached garage onto the principal structure for a lot that is less than one acre in size for property located at 15134 Turner Road, DeWitt, MI 48820, based on a determination that the request meets all four of the Basic Conditions and Special Condition (a) listed in Section 42-70 of the Zoning Ordinance.**

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

- E. Possible Certification of Decision.

**Carpenter moved to approve the Certification of Decision for Appeal 13-770002, as stated in the motion above. Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

**III. Election of Officers for the Year 2013.**

Chairman LaGrand opened the floor for nominations for the office of Chairman.

Gobbo nominated Christopher LaGrand for the office of Chairman. Supported.

**Hearing no further nominations, Gobbo moved to close the nominations for the office of Chairman and cast a unanimous ballot for Christopher LaGrand for Chairman. Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

Chairman LaGrand opened the floor for nominations for the office of Vice Chairman.

Reese nominated Steve Gobbo for the office of Vice Chairman. Supported.

**Hearing no further nominations, Reese moved to close the nominations for the office of Vice Chairman and cast a unanimous ballot for Steve Gobbo for Vice Chairman. Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

Chairman LaGrand opened the floor for nominations for the office of Secretary.

Gobbo nominated Robert Reese, III for the office of Secretary. Supported.

**Hearing no further nominations, Gobbo moved to close the nominations for the office of Secretary and cast a unanimous ballot for Robert Reese, III for Secretary. Supported.**

**ROLL CALL vote on motion:**

**AYES: 7      NAYS: 0      ABSENT: 0**

**MOTION CARRIED.**

**The Zoning Board of Appeals Officers for the year 2013 are:**

**Christopher LaGrand, Chairman**

**Steve Gobbo, Vice Chairman**

**Robert Reese, III, Secretary**

PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

TRUSTEES REPORT:

Trustee Balzer gave a brief report on business conducted and action taken by the Board of Trustees at their meetings held on March 25, 2013 and April 8, 2013.

DISCUSSION: None.

ADJOURNMENT: **Gobbo moved to adjourn the meeting at 7:58 p.m. Supported. MOTION CARRIED.**

*Linda K. Parkinson*

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Linda K. Parkinson, Recording Secretary

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Robert Reese, III, Secretary