

**Chair**  
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**Board Members**  
Johanna Balzer, Trustee  
Donald Riel  
Kristen Krol  
Steve Goodwin



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**Community Development Director**  
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**Planner**  
Brett Wittenberg

**Recording Secretary**  
Linda K. Parkinson

**ZONING BOARD OF APPEALS  
MINUTES  
WEDNESDAY, OCTOBER 19, 2016  
7:00 P.M.**

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

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

ROLL CALL by Township Planner Brett Wittenberg.

**MEMBERS PRESENT:** Carpenter, Richards, Balzer, Riel, Goodwin.

**MEMBERS ABSENT:** Reese, Krol.

**APPROVAL OF AGENDA:** Goodwin moved to approve the Agenda as printed. Supported. **MOTION CARRIED.**

**APPROVAL OF MINUTES:** Balzer moved to approve the minutes of the September 21, 2016 meeting as presented. Supported. **MOTION CARRIED.**

**CORRESPONDENCE:** None.

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

- I. PUBLIC HEARING – Appeal 16-770005 – From Wesley and Marion Gibson**, requesting a fifteen (15) foot variance to the required thirty-five (35) foot front yard setback requirement for structures within the R3 (Residential Single Family) zoning district to allow the applicant to construct a 24' x 20' detached accessory structure to replace a previous accessory structure that was completely destroyed as a result of a fire. The subject site is located at 1260 W. Webb Road, DeWitt, MI 48820, the northwest corner of W. Webb Road and Burlingame Drive, in the southeast ¼ of Section 9 of DeWitt Charter Township (Parcel #050-009-400-100-00).

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

Township Planner Brett Wittenberg briefly reviewed staff's report dated October 12, 2016 pointing out the location of the site and nature of the request (see above). The applicant wishes to replace their previous detached garage that was completely destroyed as a result of a fire. If approved, the applicant would be allowed to construct a 26'x22' detached garage that would be 20 feet from the required 35 foot front yard setback requirement for the R3 (Residential Single Family) zoning district. It should be noted that the applicant originally intended to build a 24'x20' garage. However, for insurance reasons the applicant is required to use the same footprint of the original building which is 26'x22'.

When the applicant applied for a Building Permit to reconstruct the detached accessory building, it was determined that the location of the detached structure encroached into the front yard setback adjacent to Burlingame Drive and was a non-conforming structure. Per the ordinance requirements, a non-conforming structure may be rebuilt as a result of fire as long as the damage does not exceed more than 60 percent of the real valuation of the building. In this instance, the damage was a total loss of the structure and therefore it would need to comply with the current ordinance requirements for setbacks.

Wittenberg gave a brief history of the subject site advising the home and garage were built in 1959 which predates the Township's Zoning Ordinance. It should be noted that in 1988 the adjacent property along Burlingame Drive became part of a platted subdivision (Oakland Hills) and created a second front yard causing a nonconformity.

Wittenberg further noted that the applicant intends to repair or replace the privacy fencing along the east side of the property.

In reviewing the request with compliance with Basic Conditions and Special Conditions set forth in Section 42-70 of the Zoning Ordinance, staff finds that it meets all four of the Basic Conditions and Special Condition (a). Staff does not believe this variance is contrary to public interest. Single family residential uses and detached accessory structures are a permitted use in the R3 zoning district. Granting the variance would not have significant adverse impact on surrounding property values. Requests of this type have not been frequent or consistent so as to demonstrate the need for an amendment to the Zoning Ordinance. Lastly, the subsequent subdivision of the property to the east created an extraordinary circumstance that established a non-conforming situation that was not a result of any action by the applicant.

Balzer questioned if the Township requires the applicant to provide a privacy fence on the east side of the property.

Wittenberg stated it is not required by the Township. The applicant simply wishes to replace the fencing that was damaged by fire.

Brief discussion followed related to the fact that the applicant did look at alternative locations for the proposed accessory structure. Partly due to the location of the current driveway, none of the alternate locations were feasible.

Chairman Carpenter invited the applicant to speak.

Nicholas Hunt, owner of Northeast Home Improvement, 4900 W. Lowe Road, St. Johns, MI 48879, representing the applicant, stated he simply wants to construct the proposed garage so that it would be exactly like the one that was destroyed by fire.

- C. Close Public Hearing. **Hearing no further questions or comments, Chairman Carpenter declared the Public Hearing closed at 7:10 p.m.**
- D. Discussion and possible action by Board of Appeals.

**Goodwin moved that Appeal 16-770005 from Wesley and Marion Gibson to allow the construction of a detached accessory structure that would encroach 15 feet into the 35 foot required front yard setback of the property located at 1260 W. Webb Road, DeWitt, MI 48820, be approved. Approval is based on a finding 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: 5      NAYS: 0      ABSENT: 2 (Reese, Krol)**

**MOTION CARRIED.**

- E. Possible Certification of Decision.

**Balzer moved to approve the Certification of Decision for approval of Appeal 16-770005 from Wesley and Marion Gibson. Supported.**

**ROLL CALL vote on motion:**

**AYES: 6      NAYS: 0      ABSENT: 2 (Reese, Krol)**

**MOTION CARRIED.**


PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

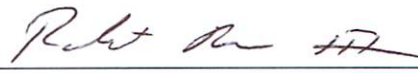
TRUSTEES REPORT:

Trustee Balzer gave a brief report on business conducted and action taken at the recent Board of Trustees meetings.

DISCUSSION: None.

ADJOURNMENT: **Goodwin moved to adjourn the meeting at 7:15 p.m. Supported. MOTION CARRIED.**

  
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Linda K. Parkinson-Gray, Recording Secretary

  
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Robert Reese, III, Secretary