

**DEWITT CHARTER TOWNSHIP  
1401 W. HERBISON ROAD, DeWITT, MICHIGAN 48820  
BOARD OF APPEALS MINUTES  
WEDNESDAY, JULY 19, 2006**

The regularly scheduled 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: Andrew Richards, Stephen Gobbo, Christopher LaGrand, Shannon Schlegel, Trustee Musselman.

MEMBERS ABSENT: Robert Reese, III and Dale Glynn.

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 June 21, 2006 meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: Kevin Coveart, 3761 Mulberry Lane, DeWitt, MI 48820, President of Willow Creek Farms Subdivision Homeowners Association, read a statement (was not submitted for the record) expressing concerns regarding a new development immediately north of Willow Creek Farms Subdivision (Riverside Lake Estates).

UNFINISHED BUSINESS:

- I. Appeal 06-770002 – From Rodney E. Bennett and Carol Fata**, requesting a variance of 6 ft. to Section 5.11.3 (4)(i) of the Zoning Ordinance, which requires individual mobile home units to be setback a minimum of 20 ft. from any part of an attached structure of another mobile home unit used for living purposes. If approved, the applicant would be allowed to construct an 11 ft. x 20 ft. addition to the existing unit located at 69 Nettie Avenue, Lot #69 of Valley Estates Mobile Home Park), in the southeast ¼ of Section 33 of DeWitt Charter Township, that would be 14 ft. from the neighboring unit. **Note: Tabled at the June 21, 2006 meeting.**

Assistant Planner Harmony Gmazel briefly reviewed staff's memorandum dated July 14, 2006 noting that the request was tabled at the June 21, 2006 meeting to allow time for staff

and applicant time to address questions and issues presented by the Board. The following information was requested:

1. Determine the number of other units in the park that are out of compliance.
2. Additional information on approval of Appeal 02-770006 granted to the neighboring unit, as well as any conditions imposed upon the applicant.
3. A layout of the interior of the applicant's unit be provided.
4. An opinion from the Fire Chief addressing any fire safety issues involved with granting the request.

Gmazel went on to advise that staff has had discussions with the applicant concerning a revision of the plan to build an addition that was initially proposed to be 11 ft. by 20 ft. on the east side of the home. The applicant has revised the site plan to be more in keeping with Appeal 02-770006 granted to the neighboring property to the east that allowed a 4 ft. variance to the 20 ft. setback requirement between living area of a the neighboring unit. The revision consists of a proposed 9 ft. by 20 ft. addition to the east side of the home. This would avoid an incremental increase in approved variances.

Gmazel further stated that staff studied an aerial photograph of the entire mobile home park. It was determined that less than two dozen structures were not in compliance with current setback requirements. It should be noted that the park was built in 1972 under the Clinton County Zoning Ordinance. The setbacks under that ordinance were 12 ft. on the non entry side of each mobile home unit and 20 ft. on the entry side of each unit. Staff feels that setbacks have developed in this community based on some inherent early design setbacks.

With respect to the requested study of Appeal 02-770006, the applicant requested a 4 ft. variance to the 20 ft. separation setback. Prior to the requested appeal the applicant had already built the addition onto her home and was cited by the Township Building Inspector to cease construction activities and come into compliance with the Zoning Ordinance. The addition was recommended for denial by staff at the discretion of the Board, due to aesthetic and fire safety issues. The Zoning Board of Appeals voted five to two in favor of approval of the variance at their May 15, 2002 meeting.

The applicant has provided an interior layout of the home to determine if option 2 presented by staff at the June 21, 2006 meeting was feasible (see page 4 of staff's report dated June 16, 2006). It was determined that this addition to the west side of the home would provide an addition to the master bedroom and laundry facilities rather than common living space.

Lastly, Fire Chief Fred Koos reviewed the proposed addition and stated that objects and

structures that are in close proximity to one another are more likely to become exposure problems than those that are farther apart, should a fire occur in either mobile home.

In closing, Gmazel advised that Section 4.2.3 of the Zoning Ordinance provides the Zoning Board of Appeals with the power to authorize variances from the zoning requirements provided all four of the Basic Conditions are met and at least one Special Condition is met. Basic Condition a) requires that granting of the variance will not be contrary to the public interest or to the intent and purpose of this Ordinance. Staff finds that the request does comply with Basic Condition a) because the Township has previously given approval for separation setback variances of up to 4 ft.

The proposed addition is a component of the residential use permitted by right in the MHP (Mobile Home Park) zoning district, so granting the variance would not allow a use not already permitted within the district, consistent with Basic Condition b).

There is no reason to believe that granting the variance would have a substantial adverse impact on surrounding property values. Therefore, the request complies with Basic Condition c).

With respect to Basic Condition d), requests of this nature have not been recurrent. Therefore, the request complies with this condition.

Gmazel went on to review the request for compliance with at least one of the three Special Conditions set forth in Section 4.2.3 of the Zoning Ordinance. There do not appear to be any practical difficulties associated with the subject property. Therefore, the request does not comply with Special Condition a).

Staff finds that the request does comply with Special Condition b). Due to the narrowness of the lots some homeowners in the park have encroached into the 20 ft. setback. Staff's site visit verified that this is the case. The fact that the park was built in 1972 with varying setback requirements the early design may lend itself to the inherent setback issues within the park. In addition, as shown in Appeal 02-770006 the Township has approved a 4 ft. setback variance on the neighboring property. In doing so, the Township has indicated that similar variances within Valley Estates Mobile Home Park are in keeping with the intent of the Ordinance.

Lastly, the applicant is able to use the property for single family residential purposes, just like the neighboring properties. Therefore, the variance is not necessary to preserve a substantial property right. The request does not comply with Special Condition c).

Musselman stated he is not prone to approve this type of variance, particularly when fire safety is an issue. However, he noted that the memorandum from the Fire Chief Koos

regarding Appeal 06-770002 does not recommend denial. The Chief simply states that the closer together structures are, the higher the risk of exposure problems, should a fire occur. Musselman further stated he reviewed the minutes of the Public Hearing for Appeal 02-770006. Although the minutes did not reflect all of the discussion involved, he did vote to approve the request. He further noted that areas of this mobile home community were developed prior to the Township Zoning Ordinance being in place.

Gobbo also noted that the Fire Chief's memorandum did not recommend denial of this request for safety reason. He simply stated that the closer structures are the greater the risk of exposure to nearby structures.

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

Rodney Bennett, applicant, 69 Nettie Avenue, Lansing, MI 48906, stated that after speaking with staff he has agreed to revise his plans to reflect a 9 ft. x 20 ft. addition to the east side of his home.

There were no questions of the applicant.

Musselman thanked the applicant for his willingness to work with the Township to reduce the requested variance from 6 ft. to 4 ft. in order to be in keeping with the previously approved variance given to his neighbor to the east.

Gay Reinert, 54 Bee Jay Drive, Lansing, MI 48906, stated she lives directly behind the applicant. She spoke in support of granting Appeal 06-770002 from Rodney Bennett and Carol Fata.

There were no further comments.

**Musselman moved that Appeal 06-770002, to allow the construction of a 9-foot by 20-foot addition that would encroach 4 feet into the setback of the property located at 69 Nettie Avenue, be approved. Approval is based on finding that the request meets the four Basic Conditions and Special Condition b) listed in Section 4.2.3 of the Zoning Ordinance. Supported.**

**ROLL CALL vote on motion:**

**AYES: 5    NAYS: 0    ABSENT: 2 (Reese, Glynn)**

**MOTION CARRIED.**

NEW BUSINESS:                      None.

PUBLIC COMMENTS ON NON-AGENDA ITEMS:       None.

TRUSTEES REPORT:

Trustee Musselman gave a brief report of business conducted and action taken at the regularly scheduled meeting of the Board of Trustees held on June 26, 2006 and July 10, 2006.

DISCUSSION:

Brief discussion followed regarding the upcoming “Meet the Meadows” event scheduled for July 22, 2006 at Granger Meadows Park.

ADJOURNMENT:   **Gobbo moved to adjourn the meeting at 7:34 p.m. Supported.  
MOTION CARRIED.**

---

Linda K. Parkinson, Recording Secretary

---

Robert Reese, III, Secretary