

ROYALTON TOWNSHIP ZONING BOARD OF APPEALS

Regular Meeting

June 19, 2017

7:00 p.m.

Members Present: Chairman Ed Kretchman, William Foust, John Heil, Ted Kalin, John Olson

Absent:

Others Present: William Boyd, Royalton Township Building Official/Zoning Administrator

Chairman Kretchman opened the meeting at 7:00 p.m. Roll call was taken with all members present.

I. Previous Minutes

The minutes of the June 27, 2016 Zoning Board of Appeals meeting were reviewed. Mr. Foust made a motion to accept the minutes as presented. Mr. Olson seconded the motion and the motion carried.

II. Agenda

Mr. Foust made a motion to accept the proposed agenda. Mr. Olson seconded the motion and the motion carried.

III. Citizens' Comments

None

IV. Public Hearing – Variance Review Request at 5955 Scottdale Road

Chairman Kretchman closed the regular meeting and started the Public Hearing.

Chairman Kretchman stated that even though he and the applicant have the same last name, he has no real connection to the Applicant; they are about four generations removed.

Chairman Kretchman read from the Notice of Public Hearing:

“An application for a variance review has been submitted for property located at 5955 Scottdale Road. Parcel Identification Number: 11-17-0029-0013-06-3. The zoning district is agricultural. A proposed property split would create a new parcel of property being a total of two (2) acres, and will reduce the parent parcel to provide seventy-five (75) feet of width. The Royalton Township Zoning Ordinance Number 20, Section 4.04 does address and regulate development standards for the agricultural district. No parcel shall be created that has less than five (5) acres, and have a minimum of two hundred fifty (250) feet of width.”

Mr. Zachary Kretchman, Applicant, to support his request for the requested variances, read a document to the Planning Commission, Exhibit A attached. He further commented he is not here

to propose a subdivision, he does not consider this scattered non-farm homes, the proposed home will not change the flow and the look will be impacted in a positive way. Many trees have been planted on this property. He feels there is no detriment to the public good.

Chairman Kretchman asked for comments from the audience in support of the variances. Mr. Tod Kretchman, 5955 Scottdale Rd., Berrien Springs, Michigan said allowing the variances would be a great help and would impact their family. They want it.

Chairman Kretchman asked for comments from the audience opposed to the variances. There were none.

Mr. Boyd said correspondence in opposition to the variances were received from Larry and Nancy Hacker and Joyce Copeland.

Mr. Shawn Orlaske, 5922 Edison Road, commented: if determining decision on hardship, currently there are a number of properties in the area that could be used to be near subject property.

Mr. Foust stated there are six points in our ordinance to consider when making this decision.

Mr. Foust made a motion to close the Public Hearing. Mr. Heil seconded the motion and the motion carried.

VI. Unfinished Business

None

VII. New Business

A. Variance Review Request at 5995 Scottdale Road

The ZBA reviewed the request of Mr. Zachary Kretchman .

Mr. Olson questioned Mr. Kretchman about whether he asked Road Commission for variance on 500' sight distance requirement. Mr. Kretchman replied he did not because it would then cut into the proposed property.

Mr. Foust referring to Royalton Township Ordinance Section 25.04, Subsection D Powers, made the following statement (with ZBA member comments following each ordinance point a. through f.):

In determining whether practical difficulties exist, the ZBA shall consider the following factors:

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance unnecessarily burdensome.

Compliance with the relevant ordinances does not affect the permitted uses.

- b. Allowing the variance will result in substantial justice being done; considering the public benefits intended to be secured by this article, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

There would be no public benefit.

- c. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

A lesser variance is not practical and would not give substantial relief to either the applicant or to other property owners.

- d. The alleged practical difficulties include substantially more than mere inconvenience or inability to attain a higher financial return.

The alleged difficulties DO NOT include substantially more than mere inconvenience or the ability to attain a higher financial return.

- e. The proposed and resulted need for the variance has not been self-created by the applicant.

The need for the variance WAS self-created by the applicant's 2002 lot split. This is huge.

- f. The variance is the minimum necessary to permit a reasonable use of the land, building, or structure and does not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

This would be a special privilege that is denied to other property owners in the district by the relevant ordinances.

Mr. Kalin made a motion, based on criteria cited in Royalton Township Ordinance Section 25.04, Subsection D Powers, to deny approval of Application for Zoning Board of Appeals dated May 17, 2017 as submitted by Zachary Kretchman. Mr. Foust seconded the motion. There were no further comments and the motion carried.

B. Selection of Officers

Mr. Foust made a motion to nominate the same officers for 2017 as they were in 2016: Mr. Kretchman as Chairman; Mr. Kalin as Vice Chairman; Mr. Olson as Secretary; and Mrs. Linda Heil as Zoning Board of Appeals Recording Secretary. Mr. Olson seconded the motion and the motion carried.

B. Meeting Dates

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The 2017 ZBA meeting date schedule was reviewed. Mr. Olson made a motion that the Royalton Township Zoning Board of Appeals will meet on the third Monday of the month, on an as needed basis. Mr. Heil seconded the motion and the motion carried.

VIII. Reports

There was no Township Board report and no Planning Commission report.

IX. Adjournment

Mr. Olson made a motion to adjourn. Mr. Heil seconded the motion and the motion carried. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Linda Heil