

**MINUTES OF A SPECIAL MEETING OF THE COOPER CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD ON WEDNESDAY, NOVEMBER 1, 2017**

A meeting of the Zoning Board of Appeals for Cooper Charter Township was held on Wednesday, November 1, 2017, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Gluchowski, Magura, Flowers, Reynolds and Urban. Alternate Fooy was present.

Members Absent: None.

Also Present: Michael D. Homier of Foster, Swift, Collins & Smith, Township Attorney; Russ Wicklund, Township Planner, Applicants, James and Gail Jager.

Review and Approval of Minutes

Motion by Comm. Flowers, supported by Comm. Reynolds to approve the Minutes of the Zoning Board of Appeals Meeting held on June 15, 2017. Motion carried 4-0-1, with Comm. Urban abstaining because he wasn't present at the June 15, 2017 meeting.

Request for Variance by James and Gail Jager, 5207 Mt. Olivet, Parchment, MI, Parcel No. 3902-36-361-150.

The Jagers requested a variance from the required 10 foot side yard setback for a structure to be used to shelter their RV. Mr. Jager indicated that they have to deal with a sloping backyard and the location of the septic field in the backyard. Mr. Jager stated he put in the carport approximately four years ago, but wants to cover the motorhome to keep it out of the elements.

Comm. Magura asked Mr. Wicklund if the trailer was parked without the structure over it, would that conform to the zoning ordinance, to which Mr. Wicklund stated that the trailer cannot be parked in the front yard. It must be in the side or rear yard.

Comm. Urban asked Mr. Jager if he was modifying an existing structure, to which he replied "no". Chairperson Gluchowski confirmed that the applicants did not get a permit when they put up the original structure, to which he said "no". Mr. Jager said the existing structure has cement footings, but there is no slab. They also discussed a different placement for the structure.

Chairperson Gluchowski discussed the criteria the ZBA must follow when considering variances.

Comm. Magura stated that he believes the lot to be too small for this type of structure to be placed where they want to locate it.

Mr. Wicklund clarified that there is a five foot setback for parking. The building can be in the side yard but the parking has to be in the rear yard. So, in this instance, the building could be

located where it is, but without the building, the applicant would have to go further back into the rear yard. It could not be in the side yard.

Comm. Reynolds asked Mr. Wicklund if this would be considered an accessory building, subject to those zoning requirements. He also stated that in order to approve the variance, the applicant would have to show practical difficulty in not being able to conform with the requirements in the ordinance.

Mr. Wicklund reminded him that the applicant is not requesting a variance of the building height, but rather a variance from the side wall height. The applicant indicated he could cut down the side wall height.

Comm. Urban stated that he felt the hardship was self-created.

Chairperson Gluchowski made a motion to deny the requests for variances because the applicants failed to demonstrate a practical difficulty in meeting the requirements of the ordinance as discussed and because the need for the variances was a self-created hardship. The motion was supported by Comm. Urban. Motion carried 5-0-0.

Adjournment

There being no further business to come before the Board, the meeting was adjourned.