

MINUTES OF THE COOPER TOWNSHIP ZONING BOARD OF APPEALS

MEETING ON MARCH 12, 2020

A meeting of the Zoning Board of Appeals of Cooper Charter Township was held on March 12, 2020, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Sheryl Gluchowski, David Fooy, Keith Urban, Stephen Magura, Stephanie Davis.

Also Present: Russ Wicklund, Township Planning Consultant; Applicants Chad & Stacy Baker; and Township Attorney, Michael Homier.

Chairperson Gluchowski called the meeting to order at 4:30 p.m.

Review and Approval of Minutes

Members of the Zoning Board of Appeals reviewed the minutes for the July 25, 2019 meeting. A Motion by Comm. Gluchowski was made to approve the meeting minutes of the July 25, 2019 meeting, supported by Comm. Magura. Motion carried 5-0-0.

Variance request of Chad & Stacy Baker (5423 Hillsight Street and 5422 Sovel Street) in order to construct an accessory building that exceeds the square footage; sidewall height, and building length for platted lot of less than one acre. Chairperson Gluchowski opened the public hearing and asked the applicant to provide background on the request. Mr. Baker explained that he would like to construct a 13 by 40 foot pole barn with finishes that match the existing property. There would be an overhang on the back of accessory building facing the pool to be used as a shade structure.

Keith Hewitt of 3055 Polaris, Kalamazoo commented that the Bakers have the best kept looking home in the entire neighborhood.

Written comments were received by the following individuals:

Joane Aikens of 3031 Polaris and Stephanie Aikens of 3007 objecting to the variance.

Gracie & Joseph Kayany of 3110 Polaris wrote a letter regarding the Muirfield Plat deed restrictions.

Having noted the public comments Comm. Gluchowski closed the public hearing.

Township Planning Consultant, Russ Wicklund presented his report and commented that the Baker property includes two lots which have been combined. The difficulty in the situation comes from the fact that the two lots do not sit side by side but instead back to back. The accessory building placement would need to be in accordance with the 40 foot set back. The requested shed being 192 square feet with a 48 square foot overhang. To grant that request a 40 foot variance would need to be made.

The Board discussed the variance or variances requested.

Comm. Urban made a motion to approve the variance of 40 square foot to allow a 240 square foot shed under the conditions that the smaller structure be removed within 10 business days, the overhead structure stays the way it exists today (i.e. it shall not be converted to usable enclosed space) and the open porch and dimensions shall not be changed. Motion supported by Comm. Mills.

The board discussed the motion. Comm. Magura commented that the motion is consistent with previous rulings of the ZBA. Motion carried 4-1-0, with Comm. Fooy voting no.

Second Variance request regarding the size of the accessory building and the height of the sidewalls.

Comm. Gluchowski discussed the standards for variances that are set forth in the Zoning Ordinance, including a showing of (1) a practical difficulty, (2) that the request is not based on a self-created hardship, and (3) that the request is solely based on the unique characteristics of the property, and the requirements for establishing a “practical difficulty”. Comm. Glushowski asked Mr. Baker why he needed a 12 foot sidewall instead of the 10 feel allowed under the zoning ordinance. Mr. Baker responded that he would like to have a 10 foot door to allow storage of their pontoon boat.

Comm. Urban commented that he struggling to find any reason within the standards Comm. Gluchowski explained for the request for the height variance to be approved. Additionally he mentioned that this sounds like a request based out of want versus need. The only practical difficulty may be for more shade.

Comm. Glushowski stated that the financial goals of the applicant can not be a consideration of the Zoning Board of Appeals. No practical difficulty has been shown by the applicant. Additionally Comm. Glushowski commented that to her knowledge there are not any oversized pool barns in the neighborhood.

Comm. Magura added that the decision is fairly clear. The ordinance does not allow an exception for the requested variance.

Comm. Gluchowski made a motion to deny all variance requests. No support was presented, Motion dies.

The Board discussed the variance requests. Township Attorney Homier commented that no finding of practical difficulty has been made.

Comm. Gluchowski made a motion to deny all of the dimensional variance due to the fact that no practical difficulty has been shown. Supported by Comm. Urban. Motion carried 5-0-1.

Public Comment

No public comment was provided.

Adjournment

There being no other business Comm. Gluchowski adjourned the meeting at 7:00 PM

79620:00001:5841844-1