

**Sumpter Township  
Zoning Board of Appeals Meeting  
Thursday, July 19, 2018, 7:00 p.m.  
23480 Sumpter Rd., Belleville, MI 48111  
Minutes**

Meeting called to order by Commissioner Stalmack at 7:00 pm. Showing present: Stalmack, Bednark, Beaudrie and Oddy. Excused absence: Pedersen. Also showing present: Planner Atkin, Deputy Clerk D. Hadyniak and 9 residents.

Motion by Oddy, supported by Bednark to have Commissioner Stalmack act as Chairperson for the July 19, 2018 Zoning Board of Appeals meeting.

4. Motion by Beaudrie, supported by Oddy to approve the Zoning Board of Appeals Minutes of May 31, 2018. Motion carried.

**5. Public Hearing:**

Motion by Oddy, supported by Bednark to open the Public Hearing. Public hearing opened at 7:02 pm. Motion carried.

**Applicant (ZBA 2018-02) is requesting a dimensional variance from Section 4.18 of the zoning ordinance. The applicant is seeking a variance of five (5) feet nine (9) inches to allow a fourteen (14) foot three (3) inch side yard setback for the siting of an attached addition to the primary residential structure in the RF, Rural Small Farm zoning district. The site for the variance is located at 44001 Harris Rd., Belleville, MI 48111.**

Planner Atkin stated the existing 1,139 square foot, one and a half (1 ½) story residential structure, build in 1993, is set back fourteen (14) feet three (3) inches from the west property line, the same requested distance for the dimensional variance. Review of building department files did not contain evidence of a variance for the existing structure nor are we aware of the required side yard setback dimension at the time of construction. Planner Atkin stated he was unaware of any documented issues which may have caused the home builder to shift the siting of the structure to the west. The planner also advised the commission it wouldn't be any closer to the line than the current home and most surrounding properties don't meet the setback or have a variance. Commissioner Oddy and Bednark pointed out that the house isn't running parallel; although the survey shows the house is perpendicular. Commissioner Oddy stated that if the dimensional variance was to be granted of five (5) feet nine (9) inches to allow a fourteen (14) foot three (3) inch side yard setback, the west end of the property won't be compliant. Commissioner Bednark expressed that they need to understand the actual dimensions of the property. Cathy Smith of 44001 Harris Road explained to the commission that the property line might be angled because of the fencing. Commissioner Bednark questioned is the line perpendicular to the road because it seems the house is crooked. Commissioner Beaudrie stated the legal survey was done and those are the dimension we have to go by. Ms. Smith told the commission ever since she has bought the house she had nothing but problems. The reason for the addition was so her parents could live with her and not place them into a senior living facility. Commissioner Oddy stated that all the numbers seem to be off. Ms. Smith said if it would help, her neighbor would sell her ten (10) feet of land. Commissioner Bednark said moving the dimension issue aside, explain to the commission how this is a hardship. Maybe if you shifted the addition to the east by five (5) feet nine (9) inches. Ms. Smith stated that is wanted the addition to look aesthetically pleasing from the outside; originally they wanted to break ground back in May. Commissioner Bednark suggested if you shift the addition towards the kitchen window by roughly five (5) feet nine (9) inches it would help offset. Ms. Smith stated that if you shift the front addition as advised by Commissioner Bednark wouldn't the back still need more. One of the residents in the audience stated from the air/road it is

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saying it is crooked but maybe the fence isn't right. Planner Atkin stated the site plan from the original built to now are currently twenty-three (23) feet away. Commissioner Beaudrie then expressed to the commission if we make Ms. Smith go out to get another survey this would be an additional hardship. Commissioner Bednark then stated this isn't a true hardship and would like to see if Ms. Smith would consider the option of moving the addition. Ms. Smith wanted to know how you know this won't encroach on the back part of the addition. Commissioner Bednark advised Ms. Smith is would have to have another survey done. Ms. Smith stated back when the house was originally approved the house wasn't up to code, but had passed the inspections. Commissioner Oddy stated surrounding properties seem to have similar setback that he could see from the aerial view provided by Carlisle Wortman packet. Commissioner Beaudrie expressed concern that in the future if Ms. Smith would sell her house; it would be turned into a duplex. Kevin Phillips of 44020 Willis Rd. came to support Ms. Smith and didn't see any problem with the addition on the house. Mr. Phillip suggested that the commission grant a variance for eight (8) feet five (5) inches. Planner Atkin then stated the commission couldn't grant anything greater than advertised in the public notice. Ms. Smith's boyfriend then stated maybe just shift two (2) feet at the beginning so the back end would be in compliance.

Motion by Oddy, supported by Beaudrie to close the Public Hearing. Public Hearing closed at 7:31 pm. Motion carried.

Commissioner Bednark again expressed his concern; a recent survey would tell you the current dimension of the property. He stated he would like to grant the variance.

Motion by Oddy, supported by Bednark to grant the dimension variance of five (5) feet nine (9) inches upon the verification of distance. Motion carried.

Commissioner Bednark stated that you should be able to stake out the land yourself and explained the process. Planner Atkin then suggested you buy ten (10) feet from the neighbor. That way you can get a boundary adjustment (southwest corner/ 10 ft.) and resurvey the land to square up the applicant's property. This way your property would have the straight line.

**6. New Business:** none

**7. Unfinished Business:** none

**8. Open Floor:** no comment

**9. Adjournment:** Motion by Oddy, supported by Beaudrie to adjourn at 7:41 pm. Motion carried.

Minutes prepared by,  
Dawn Hadyniak  
Deputy Clerk, Sumpter Township