

# Hopkins Township Board of Appeals

## Minutes of Special Meeting March 20, 2007

MEMBERS PRESENT: Doug Hills, Tom MacArthur - Chairman, Lori Castello and Carol Levandoski – Secretary

Absent: Bruce Modreske      Guests Present: See attachment A.

Meeting called to order at 7:31pm by MacArthur      Meeting adjourned at 9:42pm

### NEW BUSINESS CONDUCTED:

1. A variance petition from Brian Kuperus, for relief from the Agricultural Zoning District, Lot Area of 330 feet of road frontage, to allow for a build able lot less than 330 feet. The property is located on 128<sup>th</sup> Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street. Parcel # 0310-021-016-10.

Mr. Kuperus is representing the Seller who is living in Arizona. Mr. Kuperus indicated that PCI first told him the property was build able. The buyer, Fred Hendricksma, requested a survey and the survey results show that the lot is 20 acres with 328.73' of road frontage. wants the land to be indicated as build able and that designation to be attached to the land for future potential owners. At present, the buyer intends to continue farming the land.

Ms. Levandoski shared the following findings:

Chapter V, Ord. 15.162, Sec. 5.02 Use Regulations, (d) Single family dwellings, one per lot. This lot does not currently have a dwelling therefore it's allowed to have one single family dwelling.

Chapter V, Ord. 15.168, Sec. 5.08 Permitted Uses, (b,2) Have at least two hundred and twenty (220) feet of frontage on the same public road service the parcel which the new lot was created. The property met this requirement at the time the split occurred.

Mr. Hills and Ms. Castello cited Chapter XVI, Ord. 15.689, Sec 16.09 Time Limit on Variances, doesn't specify what constitutes 'substantial steps taken towards affecting the variance'. Therefore, the board would have to define what that means for this individual request.

No opposition from neighbors regarding this issue.

Motion (1), made by Hills and seconded by Castello, to make an interpretation that the sale of the property would fulfill the substantial steps taken towards affecting the variance, as is indicated in 15.689, sec 16.09.

Motion (2), made by Hills and seconded by Castello, to table motion (1). Ayes – 4, Nays – 0  
Motion passed.

Motion (3), made by Castello and seconded by Levandoski, to approve the dimensional variance request to allot this lot to be treated as a conforming, build able lot, subject to all other ordinance regulations pertaining to the Agricultural District.  
Ayes – 4, Nays – 0. Motion passed.

The board revisited Motion (1) and voted. Ayes – 4, Nays – 0. Motion passed.

2. Review and approve minutes from past meetings.

- a. July minutes were read and reviewed. It was noted that board members sir names be used in future minutes.

Motion (4) to approve the July minutes as read was made by Castello, seconded by Levandoski. Ayes – 4, Nays – 0. Motion passed.

- b. August special meeting minutes were read. Motion (5) to approve the minutes was made by Castello, seconded by Hills. Ayes – 3, Nays – 0, Abstain – 1. Motion passed.

- c. February 2007 minutes were read. Amendments to the Feb. minutes as follows:

- i. ... the house will be built at the eastern edge of the property on the higher ground that has been perked by the Allegan Co. Health Dept, with the condition of a two foot backfill.
- ii. Castello stated based on Chapter XVI, Board of Appeals, Section...
- iii. Castello noted that the target density for dirt roads is recommended at six homes per mile. This section of road already meets that density.
- iv. Levandoski stated that this property should ...
- v. Castello indicate that the ideal density in an Ag. District is one dwelling per 20 acres.
- vi. Castello indicated that additional variances would also be required to build.
- vii. Motion by Modreske to deny the request for variance...
- viii. Castello cited Ord. 15.526 Sec. 12B.06 Special Uses on Non-conforming parcels, (a,1) only one non-conforming parcel is thereby created. One variance has already been issued in years previous.
- ix. Castello cited Ord. 15.526, Sec 12B.06, item b, In considering such authorization the Planning Commission shall consider the following standards:
  1. (2) The effect of the proposed use on the adjoining properties and the surrounding neighborhood.
  2. (3) The extent to which the intended use would interfere with existing or foreseeable agriculture utilization of surround property.
  3. (4) The present and foreseeable ability to government units to provide necessary services to the parcel.

Motion (6) to approve the Feb. minutes as amended was made by Levandoski, seconded by Hills. Ayes – 4, Nays – 0. Motion passed.

3. General operating discussions regarding the Board of Appeals meetings and procedures.

- a. Discussion regarding duties the Zoning Board of Appeals as a whole.
- b. Discussion of duties of individual positions within the board including selection process for each position.
- c. Develop guidelines regarding the above.
- d. Any other such business that should come before the Board of Appeals.

Members agreed that the officers of Board of Appeals should be reviewed at the first meeting of each year and be effective immediately.

Castello presented ideas for guidelines for Board of Appeals which highlighted these areas.

1. the board as a whole
2. Individual Positions
  - a. Chairperson
  - b. Secretary
  - c. Members at large

See attachment B.

Members agreed that the Board of Appeals will hold the regular scheduled meetings each quarter to review the minutes from the previous quarter as part of the normal business of the board.

Castello presented the board a sample meeting agenda that is in use for the Zoning Commission. The board agreed this is a good format and the Chairperson will provide content two weeks in advance of each meeting.

Members concluded that we need to have a checklist of what information we need to receive from PCI before a request is placed on the agenda. MacArthur will create a draft checklist for the next BOA meeting for review.

4. Motion (7) by Levandoski and seconded by Castello to request a tape recorder for the Board of Appeals meeting minutes. Ayes – 4, Nays – 0 Motion passed.
  - a. Levandoski will supply specifications to Evans for purchase.

OLD BUSINESS: None.

Motion (8) to adjourn at 9:42pm made by Castello, seconded by Hills. Ayes – 4, Nays – 0, Motion passed.

Respectfully submitted,  
Carol Levandoski