

# Rutland Charter Township Zoning Board of Appeals Special Meeting and Public Hearing

March 3, 2025

**Meeting Called to order at 7pm by Chairperson Haywood**

**Pledge of Allegiance**

## **Roll Call Members Present:**

Jim James, Eric Miller, Larry Haywood, Robin Hawthorne, Les Raymond

## **Others Present:**

Kevin Anderson, Stacey Graham, Nickie Haight

## **Agenda Approval**

Motion by Hawthorne, second by James to approve the March 3rd agenda. All ayes, motion carries.

## **Meeting Minute Approval - June 30, 2022**

Motion by Hawthorne, second by Raymond to approve meeting minutes from June 30, 2022. Roll Call: Jim James - Yes, Eric Miller - Yes, Larry Haywood - Yes, Robin Hawthorne - Yes, Les Raymond - Yes.  
Motion carries.

## **No Public Comment**

## **Zoning Administrators Comments**

Graham has provided her report to the board. She explains that Kevin Anderson was denied a variance to allow his proposed 20x22 addition to an existing nonconforming detached garage on a lake lot. She has informed Anderson that he cannot add on to a nonconforming structure without bringing it into compliance. She also shares that Anderson has the space available to add on to the front of the garage.

## **No Old Business**

## **New Business**

### **Election of Officers**

Motion by Hawthorne to re-elect Larry Haywood as the ZBA Chairman, second by Raymond. All ayes, motion carries.

Motion by Hawthorne to re-elect Eric Miller as the ZBA Vice Chairman, second by Raymond. All ayes, motion carries.

**Chairperson Haywood Opens Public Hearing - Applicant Kevin L. Anderson of 2429 Chippewa Trail, Hastings, MI 49058 (parcel #08-13-050-027-00) has requested relief from, the 15' rear lot line setback requirement to build an addition on an existing nonconforming detached accessory building, thereby reducing the rear lot line to 11.74".**

Zoning Administrator Stacey Graham denied Mr. Anderson's request based on Article XV, Schedule of Regulations of the Rutland Charter Township Code, which requires a minimum rear lot setback of 15ft on a detached accessory building within the Medium Density Residential District. Graham advises Anderson he can add on to the front without requiring a variance. In addition, per Article XXII, Section 220-2-5, allowing an addition to an already nonconforming structure is not allowed.

Graham makes sure all ZBA members have her reports and have the correct permit paperwork.

Haywood asks applicant Anderson if he wishes to add anything. Anderson states that the last addition to the garage was on the side not the front or rear.

Haywood closes the Public Hearing.

#### **Board Deliberations:**

ZBA members discuss that they only have the authority to grant a variance if all 5 standards laid out in 220-24-9-A are met. They realize that this building became nonconforming years ago when the ordinance was changed. They believe that the changes made in 2011 should not have been permitted and in 2013 there was a permit for adding a small addition. Board members sympathize with Anderson, but also understand that the lots on Algonquin Lake are normally small, uniquely laid out, and many are existing nonconforming. Board members understand that this property is existing nonconforming and that there is a 15ft setback purposely in the ordinance. James says he visited the property and it is unique and online maps look like different neighbors homes are built on their neighbors properties. James say the way the properties were surveyed is confusing.

Hawthorne reads through the 5 standards laid out in 220-24-9-A and board members talk through each:

1. Standard has not been met. There is nothing about the lot that makes it a practical difficulty to follow the 15' setback requirement. All 5 ZBA members verbally agree.
2. Standard has not been met. There is nothing about this property that is exceptional or any different than other properties. All 5 ZBA members verbally agree.
3. Standard has been met. Board members agree this addition would not be a detriment to adjoining properties. Those property owners were aware of this meeting if they wanted to comment on the addition. All 5 ZBA members verbally agree.
4. Standard has not been met. Approval would go against the standards in Chapter 220. All 5 ZBA members verbally agree.
5. Standard has not been met. There are other options that would conform to the ordinance. The issues are self-created. All 5 ZBA members verbally agree.

Raymond says that based on the finding of the 5 standards above, the PC does not have the authority to approve a variance.

James asks if Anderson were to add on where Graham has recommended, would the well and septic be an issue. Anderson says they are in the driveway turn around so they would not be affected. Graham and Raymond comment that the Health Dept. will not approve new or changed septic systems on Algonquin Lake as it is.

Motion by Hawthorne, seconded by Raymond to deny the variance request from Kevin Anderson based on the 5 standards of ordinance 220-24-9-A not being met. Roll Call Vote - Jim James - deny, Eric Miller - deny, Larry Haywood - deny, Robin Hawthorne - deny, Les Raymond - deny. Variance is denied.

#### **Public Comment**

James thanks Anderson for his time.

### **Adjournment**

Motion by Hawthorne to adjourn, second by Miller. All ayes, meeting adjourned 7:38pm.

Submitted by Nickie Haight, RCT Recording Secretary

Proposed