

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

December 27, 2018

Meeting Called to order at 7pm by Chairperson Hall

Pledge of Allegiance

Roll Call

Members Present:

Gene Hall, Larry Haywood, Robin Hawthorne, Dave Beckwith

Members Absent:

Eric Miller - excused absence, Jim James- excused absence

Others Present:

Les Raymond, Larry Watson, Jeff Crites (Slocum Assoc.), Jon Sporer (YMCA of Barry County), Mike Bremer (YMCA), Troy Dalman (YMCA), Justin Peck (YMCA), Max Wilcox, Jesse Barnum, Al Dean (ALCA), Nickie Haight

Agenda Approval

Motion by Hawthorne to accept agenda, second by Haywood. All ayes, motion carries.

Meeting Minute Approval - August 17, 2017

Motion by Haywood to approve meeting minutes from August 17, 2017, second by Hall. All ayes, motion carries.

No Public Comment

Zoning Administrators Comments

Raymond gives an update on the variance request from The YMCA. He reads from the ZBA Article 220-24-9 Variance Standards and Conditions explaining each bullet point under letter A. Hall asks for clarification on the last bullet. Raymond explains that means the board could grant the minimum variance needed to allow the YMCA to move forward with their plans.

No Old Business

New Business

Election of Officers for 2019

Motion by Hawthorne to reelect same officers (Chairperson Hall and Co-Chair Miller), second by Haywood. All ayes, motion carries.

Public Hearing - Opened at 7:09pm

Hall reads allowed The Notice of December 27, 2018 Special Meeting and Public Hearing of Zoning Board of Appeals Notice

Rolfe asks to address the board before opening the floor to the public. He makes the following points:

- The YMCA is already a non-conforming use status
- The camp predated the new ordinances
- The camp cannot undertake these types of updates and improvements on non-conforming structures
- These non-conforming buildings cannot be altered
- Some of the proposals meet the zoning requirements, some don't
- This may end up being more than a one part variance

Hall turns the floor over to the YMCA Rep, Jon Sporer. Sporer stands to address the crowd. He makes the following comments:

- The YMCA is working with Slocum Associates, who did the original camp remodel several years ago.
- The camp is growing and needs to be more safe and accessible
- Some campers are unable to participate in activities because the stairs are in bad shape
- Line of site from the main lodge is a significant factor as to why the new boathouse needs to be placed where they have planned
- Sporer introduces Jeff Crites from Slocum Assoc.

Crites shows a drawing of the YMCA's plans for intended changes. He lists the following as reasons for the variance need:

- Retaining wall and structure issues. One side would push back into the hill to create more beach area
- The stairs are crumbling and must be replaced for safety purposes
- A bathroom would be added at the top of the stairs
- The fire pit, stairs, and boathouse all need major repair and changes
- They would like to tie the whole water's edge together by adding a boardwalk with viewing and fishing platforms
- The boardwalk and retaining walls will help stop erosion, tie together this unique site, and create a barrier free site in the future

Hall opens the floor to public comment:

Al Dean introduces himself as a lake resident and a member of the lake association. He states that all nine board members are in support of the improvements the YMCA is proposing. He says the board did not vote but no one has voiced any objections. He also says he hasn't heard objections from any lake residents.

Troy Dalman introduces himself and voices his support of the YMCA's proposal. He used to be on the Y board, lives by the lake, has a background in Insurance. He has not heard any opposition from neighbors. He points out that the boathouse is an eyesore and ugly compared to the rest of the camp. He says the boathouse is nicknamed the "wart". He agrees that the boathouse and stairs are a safety issue and should not be left as they are.

Mike Bremer from the YMCA Board says the upgrades will make the beach more safe, fun, and accessible for kids. And will help the beach and boathouse area match the other beautiful upgrades that have happened.

Hall reads allowed a letter from a lake resident in support of the variance.

Sporer thanks the board for their consideration of the variance request.

Hall asks for any other public comments. There are none. Haywood makes a motion to close the public comment portion of the public meeting. Hall seconds, all ayes. Public comment closed at 7:34pm.

Board Deliberations:

Raymond refers back to his Zoning Administrators Report

Rolfe advises the board to be methodical, and to look at each component. He says the law requires the Zoning Board of Appeals to make a finding of fact. And the record must show factual findings for each separate standard.

Hall asks for clarification from Sporer and Crites on the location of the new bathrooms. Crites points it out on the drawing and says it is up the hill. Hall asks how this is a safety issue. Both Crites and Sporer both point out that the stairs are deteriorating and are heavily traveled. Hall also asks if the boathouse could be set back further in the hill to avoid setback issues and Crites says it is possible but would cause site issues from the existing lodge and would also require a retaining wall.

The whole board discusses which issues need a variance and whether this is a need for one variance or several separate ones. Raymond does not think the stairs need a variance but Rolfe does not agree. Haywood points out that all proposed variances would extend the life of a non-conforming use. Consensus is that because the whole camp is a non-conforming use, then all upgrades or changes would need a variance. Hall asks if the board can make one finding. Rolfe says they can lump the issues together or make separate findings. Hall lists the different issues: Boathouse, Storage building, Stairways, Boardwalk, Flag pole.

The board moves on to discuss whether they have the authority to grant a variance. Rolfe and Beckwith refer to Ordinance 220-22-5 sub 2 and discuss the board's authority.

More board discussion about the possibilities of moving the boathouse back into the hill, Beckwith worries that would cause a safety issue with kids trying to get to the lake.

Hall and Beckwith discuss the topography possibly warranting a variance. Beckwith asks if the top of the boathouse will be used for lifeguard and other safety needs. Sporer says yes as well as it being a gathering place. Sporer says moving the boathouse back would not only present a site issue but that camp life happens at the lake front.

Hawthorne gives some options to avoid the need for a variance, like changing the shape or size of the boathouse. She says the camp must follow the same rules as all lake residents. Rolfe says having a boathouse is not a right. Hawthorne and Hall worry about setting a precedence where other lake residents would want the same approval if the board grants it to the camp. Hawthorne wants to make sure we are doing what is best for the camp and all lake residents. She thinks we should look at other options for the camp. Rolfe says there is no precedence set because each hearing would have to be looked at separately.

Beckwith asks if anyone has complained about the proposed changes. No one has heard of any complaints. Beckwith says the children are the extraordinary circumstances that would warrant approving the variances. Rolfe says that is a compelling argument. Hawthorne lets everyone know that the camp is not the only land owner in this similar situation.

Rolfe reads allowed from Ordinance 220-22-5 and the board discusses the intent of the ordinance. Haywood mentions that the camp should be rezoned as Parks & Recreation and that they should have been PRC all along. Rolfe says that if the board denies the variance request, he will assist the camp in looking into rezoning. PRC has different use rules.

Beckwith revisits the safety issue and says the kids deserve the upgrades and it would benefit our community to preserve the camp. Hawthorne explains again that the board cannot base their decision on who, but that it must make a decision based on the property. Rolfe points out that the board's decision must be defensible so each standard must be addressed.

The board then goes through each standard:

- The land itself presents a practical difficulty - the board says yes it does
- Are there exceptional or extraordinary circumstances specific to this property - the board says yes the camp as the use
- Variance will not be a detriment to other adjoining properties - the board says yes it won't
- Variance will not impair the public health, safety, or welfare - the board says it will not
- Is the variance necessary for the preservation and enjoyment of a substantial property right similar to that possessed by the other properties that are subject to the requirement at issue - the board says no and agrees there is no way to approve the variance based on this point

The board agrees they are ready for a motion to vote on the variance request. Hawthorne makes a motion to deny the application for a variance request from Slocum Associates Inc on behalf of

Barry County YMCA - Camp Algonquin for relief from certain provisions of the Rutland Charter Township Ordinance to facilitate various proposed alterations of the existing Camp Algonquin summer camp on property at 2055 Iroquois Trail (parcel no. 13-050-075-00, based on the fifth standard stating this is not a substantial property right. Haywood seconds the motion. No further discussion. Roll Call Vote - all yes. Motion to deny carries. Variance request is denied.

Public Hearing closed at 8:58pm

Public Comment

YMCA Variance Discussion Resumes

Haywood asks for a planning map and application for rezoning to be prepared for the YMCA. Rolfe addresses the YMCA Reps about their options going forward with the rezoning request. There is a legislative process that could take several months. It will be worthwhile for the camp to be rezoned to PRC because different rules apply and they will not have to deal with the non-conforming use issues any longer.

There is a short discussion about the board taking more care with variances now than they may have in the past. Dalman asks why other improvements were allowed at the camp. The current board was not in place at that time so cannot speak to those decisions.

Rolfe reads more aloud from the PRC rules.

Bremer is disappointed in the board's decision and the fact that the zoning issue was not fixed long before now. He also thanks them for their consideration.

No other public comments

Adjournment

Motion by Hall to adjourn, second by Hawthorne. All ayes, meeting adjourned 9:11 pm.

Submitted by Nickie Haight, RCT Recording Secretary