

White Oak Township
Zoning Board of Appeals Minutes
April 11, 2022

The April 11, 2022 Zoning Board of Appeals meeting was brought to order by Zoning Administrator Thomas Brimhall at 6:00 P.M. In attendance were: Zoning Administrator Thomas Brimhall, ZBA members Roger Graf, David Mullins, Richard Morrison, Denver Doxtator, and Jeffrey Steckelberg. Also attending were Dori Steckley, Laurie Forrest-Realtor, Ross Jeffrey, and Jodi Jeffrey, and John Kemler. Mr. Brimhall led us in the Pledge of Allegiance. The Board introduced themselves.

Mr. Brimhall explained the reason for the meeting was a request for variance from the White Oak Township Ordinance section 8.1 Schedule of Regulations that requires any parcel in the AG district in the Township to be a minimum of 2.0 acres with 200 foot of road frontage. Dorothy Steckley is requesting a variance for her 1.95 acres. See attached for a brief history of the property. This was gone over by the ZBA. He also explained that in 1974-75 when this property was split, the ordinance only required 1.0 acres. The new ordinance was adopted in 1992 making the new requirement 2.0 acre minimum which was prior to Mrs. Steckley purchasing the properties. She now wants to sell the 1.95 acres but needs the variance so the new owner would be able to build on it, or renovate the existing structure. She was then informed that according to our ordinance, there would not be approval if the purchaser wanted to have any commercial building.

Attached is a copy of the listing for the property, along with other supporting documents. Mr. Brimhall stated that he had measured the property and there would be enough room for the existing pole barn and a new dwelling. He stated that other than the shortage of .05 acres the property is compliance with our ordinance.

Mrs. Steckley gave a brief history of her purchase of both parcels and when she sold the 13.06 acres to Jason Ladd. She also stated that after she purchased the property in 2003 the zoning was changed from Commercial to Agricultural. She also stated that if the variance was approved it would increase the value of the property which in turn would bring more revenue into the Township.

Ross Jeffrey stated his concern regarding the variance. He is not in favor of the ZBA approving the variance. He feels we should adhere to the ordinance. He does not want a house on that property.

Mr. Brimhall read the information from our attorney. A copy of the letter is attached. In that letter she cited section 16.5 of the White Oak Township Ordinance which states that "No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:" At that time he went over each section one at a time.

1. "That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purposes or objectives of this Ordinance.
5. In consideration of all appeals and all proposed variations to this ordinance, the Board of Zoning Appeals shall, before making any variations from the Ordinance in a specific case, first determine that proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonable increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township of White Oak. Nothing herein contained shall be construed to give or grant the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of The Township of White Oak in the manner provided by law.”

In the letter from the lawyer she also says, “The Michigan Court of Appeals has applied the following principles in dimensional variance court cases, which collectively amount to the showing of a practical difficulty.”

1. “Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use or would render conformity necessarily burdensome.
2. The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors;
3. The plight is due to unique circumstances of property and is not shared by neighboring properties in the same zone.
4. The problem is not self-created.”

Denver asked if the variance is approved does it transfer to the next owner. The answer is yes. Once the variance is granted on that parcel it will carry over to the next owner(s).

Richard had some concerns about the listing. Laurie Forrest answered. He was concerned that it was already advertised as a buildable lot, which it is not until the ZBA either approves or denies the variance.

Some of the ZBA members asked if they could have more time to consider the facts. Since no motion was made and two of the ZBA members were undecided, 2 in favor and 1 against approving the variance, another meeting was scheduled for May 9, 2022 at 6 p.m.

Respectfully submitted,

Leela A. Vernon, Clerk

White Oak Township