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**ZBA MINUTES October 11, 2021**

The Leoni Township Zoning Board of Appeals held a Zoom meeting Monday, October 11, 2021, @ 6:00 PM, 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan.

The Meeting was called to order at 6:10 P.M.

Members Present: Robert Eadie, Vern Beckwith, Keith VanPoperin (via ZOOM from Brimley, MI), Rae Fruth, and Nora Sharp-McGee

Members absent: 0

Persons in attendance: 8

Purpose of ZBA board.

*Motion by V.Beckwith, supported by N. Sharpe-McGee to approve the agenda with the change of the minutes date from July 12 to July 26.*

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth, and N. Sharpe-McGee  
0 Nays*

***Motion carried***

*Motion by N. Sharpe-McGee, supported by V. Beckwith to approve the July 26<sup>th</sup> minutes as written.*

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth, and N. Sharpe-McGee  
0 Nays*

***Motion carried***

**Public Comment:**

Opened: 6:14

Closed: 6:14

**NEW BUSINESS:**

- 1. 000-14-09-176-015-00  
137 Phillips Ct.  
Donna M. Howard**

**Discussion:** Derek Potter & Donna Howard spoke on behalf of 137 Phillips Ct. Mr. Potter stated that the current home is 27 x 42 and the proposed home is 27 x 33 and they want to move the footprint of the house up away from the lake.

Jill Guisgand at 133 Phillips Ct. spoke in support of Mr. Potter and Ms. Howard and their variance proposal and Barb & Frances Chinchok at 405 Napoleon Rd. also spoke in support of Mr. Potter and Ms. Howard's variance proposal.

The Board members proposed eliminating variance #2, #6 and #7 on the proposed plan presented by Mr. Potter and Ms. Howard **due to the fact that only 4 variances would be required for front, side, side and rear setbacks. Variances are not issued per nor. Ms. Sharpe-McGee asked if the applicants**

**would consider shifting the proposed build to line up with the existing structure on the south side thus giving more room to the north** 4Mr. Potter and Ms. Howard agreed to this elimination and the new proposal presented by the board was for variance #1, #3, #4 and #5 to be the variances that were voted on as one variance, **noting that variance 1, 4, 5 were either in same place as existing structure, or farther away from lot lines thus requiring a smaller variance than what already exists and that variance 5 is the only significant change to existing footprint.**

Mrs. Sharpe-McGee asked if the board could vote on each of the 4 questions separately starting with the last question first. The board agreed.

*Motion by N. Sharpe-McGee, supported by R. Fruth to issue a variance on property 000-14-09-176-015-00 of 5 foot 8 inches on the lakeside, variance #1 and a 5 foot variance on the North side setback, variance #3. A rear yard variance of 6 foot 11 inches, variance #4 and a south side variance of 5 foot toward the 139 Phillips Court neighbor side, variance #5 **only if all 4 test questions were able to be answered in the in the affirmative as true.***

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth and N. Sharpe-McGee  
0 Nays*

***Motion Carried***

*Motion by N. Sharpe-McGee, supported by R. Fruth that the problem is not self-created at property 000-14-09-176-015-00 as a true statement.*

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth and N. Sharpe-McGee  
0 Nays*

***Motion Carried***

*Motion by N. Sharpe-McGee, supported by R. Eadie that the plight is due to unique circumstances of property and is not shared by neighboring properties in the same zone is a true statement.*

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth and N. Sharpe-McGee  
0 Nays*

***Motion Carried***

*Motion by N. Sharpe-McGee, supported by R. Fruth that the particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors is a true statement.*

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth and N. Sharpe-McGee  
0 Nays*

***Motion Carried***

*Motion by N. Sharpe-McGee, supported by R. Fruth that the strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use or would render conformity necessarily burdensome as a true statement.*

*Roll call vote: 5 Ayes, V. Beckwith, R. Eadie, K. VanPoperin, R. Fruth and N. Sharpe-McGee  
0 Nays*

***Motion Carried***

**Discussion by the board that all further application requests for dimensional variances should be addressing the proper setbacks of front, side, side, rear.**

**Motion by V. Beckwith and supported by R. Fruth to adjourn at 7:15 p.m.**

**Motion carried by voice vote.**

Next meeting date is October 25, 2021.