

CRYSTAL LAKE TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING FOR APPEAL AND REQUESTED VARIANCE
DECEMBER 30, 2019 – TOWNSHIP HALL – 6 PM
Approved with corrections and so amended January 23, 2020

1. Call to Order/Purpose of Meeting:

Meeting purpose to hold a Public Hearing on a Request for Appeal 2019-ZBA-03_075-016-00 – J. Binkowski. Meeting called to order by Chair George Stemple at 6:01 pm.

2. Roll Call:

- a. Board Members Present: George Stemple (Chair), Alan Marble (Member), and Greg Wright (Member through his position as CLT Planning Commission Liaison to the Zoning Board of Appeals {ZBA}).

Dean Michael (Alternate) did not sit as Board member at this meeting but attended as a member of the audience.

- b. Staff Present: Tom Kucera, Zoning Administrator; Jeannette Feeheley, Recording Secretary.

- c. Among the attendees, the following are those who signed the Sign-In Sheet (in order of their sign-in):

Bradley L. Putney, 810 Business Park, Traverse City MI 49686

Dave Wynne, 2121 Howland Ave, 49635

Peggy Kujawa, 4190 Mollineaux, 49635

Donald Bedell, 3993 Johnson Rd, Frankfort MI 49635

Richard Duddles, Reed City, MI 49677

Robert Lord, 48 Linden

Bob Weisbrodt, Box 435, Beulah, MI

Joe Binkowski, 406 Crystal Waters Ln, Grand Rapids MI 49525

Dean Michael, 2520 M-115

Steve Stephens, 7579 Crystal Dr, Beulah

3. Call for Conflict of Interest: None expressed.

4. Approval of Agenda:

Marble moved the proposed agenda be approved. Wright seconded. All ayes. Agenda approved.

5. Review Rules of Order (See attached Notice to Speakers)

Rules were provided on the printed Agenda with plentiful copies available at the meeting.

6. Administration of Oath:

Marble administered the Oath to all who planned to speak: they rose, raised their right hands, and swore to tell the truth.

7. Request for Appeal 2019-ZBA-03 075-016-00 – J. Binkowski

a. Open Public Hearing

Chairman Stemple opened the Public Hearing portion of the meeting.

i. Applicant Presentation – Time Limit – 5 minutes with one extension of 3 minutes at discretion of Chair.

Mr. Joe Binkowski spoke briefly about his application, what he wished to do with his property and why. He said he is willing to keep the nature of the neighborhood as much as possible, including planting new trees, and that the length of the building he wants to build is the issue. Mr. Binkowski provided the attached written and photographic presentation illustrating aspects of his proposed project.

ii. Staff Presentation – Time Limit – 5 minutes with one extension of 3 minutes at discretion of Chair.

Zoning Administrator Tom Kucera reported on all communications he had received from members of the public on this matter. He also provided copies of all written communications he had received from the public. See attached. He had earlier submitted his Staff Report and Review and Findings of Fact to the Board. See attached. He discussed the related Ordinance, setbacks, some history of the Applicant's property and surrounding properties. He answered questions from the Board.

iii. Presentations in Support – Each person wishing to speak in support of the variance was given 3 minutes with one extension of 2 minutes at the discretion of the Chair.

- Bob Weisbrodt rose to speak in support, saying that density is not an issue as the lots in that area have been long established. He spoke about tree removal/replacement and why the applicant's proposal is best for all.

- Applicant Joe Binkowski rose to speak and presented the Board with a document that included drone photos of the area. He said he needs to have a building site that is actually buildable.

iv. Presentations in Opposition – Each person wishing to speak in opposition to the variance was given 3 minutes with one extension of 2 minutes at the discretion of the Chair.

- Brad Putney, attorney for Peggy Kujawa, rose to speak and summarized the key points in the letter he had submitted. See attached.

- Peggy Kujawa rose to speak, identified herself as an adjacent property owner, and voiced numerous objections to the applicant's proposal.

- Dave Wynne rose to speak, identified himself as President of the Crystal Lake Watershed Association and mentioned the Association's concerns with the applicant's proposal.

- Robert Lord rose to speak, identified himself as a neighbor of Peggy Kujawa, and said he opposes the applicant's proposal.

v. Rebuttals – Additional discussion of this issue at discretion of the Chair.

Further discussion was allowed by the Chair. The Zoning Administrator, the applicant and his supporter, and those in opposition, attempted further clarification and elaboration of the issues.

b. Close Public Portion Chair of the Hearing

Chair Stemple closed the Public Hearing at 6:46 pm after all who wished to speak had done so.

c. Board Discussion/Deliberations. As per the Agenda:

- Board may ask questions of the staff or any speaker.

- Accept motions from the Board for action.

: The Board may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct issuance of a permit.

: The Board may postpone their action to another public meeting, the date and time of which can be set at this meeting or publicized at a later date.

Brief discussion ensued among Board members.

A motion was then offered by Marble:

Based on presentations by the Applicant and the Zoning Administrator, as well as public input and deliberations by the Board, I move to deny the Applicant's variance request. The Board accepts the Zoning Administrator's specific findings of fact that demonstrate the Applicant's inability to establish a "practical difficulty" that would prevent their use of their property or necessitate a variance from the Ordinances. Wright seconded. All ayes. Motion passed: the variance request was denied.

8. Schedule the Next Meeting

Zoning Administrator Kucera informed the Board he had received a request for another variance, making another meeting of the Board necessary.

The Board set the next meeting date for 6 pm, Thursday, January 23.

9. Adjournment

The Board adjourned this meeting at 6:51 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary