

Cato Township Zoning Board of Appeals (ZBA)
Meeting Minutes
April 5, 2023

The Cato Township Zoning Board of Appeals met on Wednesday April 5, 2023, at the Lakeview Community Center.

Meeting called to order:

Stevens called the meeting to order at 7:00pm.

Members present:

Duane Stevens, Chairman
Larry Gilbert, Cato Board Supervisor
Brandi Clark-Hubbard, Recording Secretary/Cato Planning Commission

Others present:

David Kelsey, Cato Zoning Administrator (ZA)
5 members of the public

Approval of February 2, 2023 Meeting Minutes

No action taken.

Public Hearing – Variance Request 11396 Hickory Dr/Lot 673 Honeymoon Heights No. 4:

- Applicant David Kosinski and his wife Katina were present to discuss their variance application for a 40x48 pole barn (16 ft sidewall) at a height of approximately 23 ft with a 5 ft side yard setback. The zoning ordinance limits accessory buildings to 18 ft maximum height and 10 ft minimum side yard setback.
- Also present were neighbors Chris Vukin and Alan Williams.
- ZA Kelsey noted the proposed pole barn complies with all other zoning regulations with the exception of height and side yard setback.
- Mr. Kosinski noted that the height variance is needed for adequate clearance to store his RV camper inside. He noted his intent is to build the pole barn as close to the front lot line as possible which leaves 47 ft of open yard to the rear lot line. He also noted a variance was previously granted for a similar pole barn in the neighborhood in recent years.
- Mr. Vukin noted he shares a rear lot line with Mr. Kosinski's lot. He has several concerns with the proposed pole barn:
 - He is concerned with water runoff as the landscape has an incline from Mr. Kosinski's property sloping downward to Mr. Vukin's backyard.
 - He is concerned with the aesthetic impact of pole barn siding materials and style, and that the structure will have the effect of towering over his backyard.
 - He is concerned that variance approval will set a precedent for other non-conforming pole barns in the neighborhood.
 - He provided ZBA members with a letter expressing his opposition (see attachment to the record).
- Mr. Williams noted he shares some of Mr. Vukin's concerns but also understands the need for increased height in order to store an RV inside a pole barn. He noted RV covers are a potential alternative to provide weather protection.
- Public hearing closed at 7:20pm.

New Business:

- Deliberation on variance request – 11396 Hickory Dr/Lot 673 Honeymoon Heights No. 4
 - Clark-Hubbard noted the planning commission recently amended the zoning ordinance regulations for accessory building height, increasing the maximum from 14 ft to 18 ft. She noted the ZBA can only grant a variance if certain criteria are met. She proposed that instead of a variance request the Kosinski's could submit a zoning amendment request to the planning commission who could then reconsider height regulations and determine if an increased accessory building height is appropriate in the township. If so, the planning commission could take steps to amend the zoning ordinance which would include a public hearing.
 - Stevens agreed that height is a sensitive topic in lake subdivisions.
 - Motion by Gilbert to approve the variance request, supported by Stevens.
 - Gilbert – YES
 - Stevens – YES
 - Clark-Hubbard – NO
 - Motion passed 2-1
 - Mr. Vukin asked about the next steps in the process to appeal the decision.
 - Clark-Hubbard presented the "Final Decision" form she obtained from the Michigan Township Association which was also reviewed by Cato Township's attorney and discussed with the township board at a recent meeting. Use of this form will start the 30 day deadline for filing an appeal with the circuit court since the ZBA does not currently hold regular meetings to approve past meeting minutes.
 - Gilbert noted since the ZBA has not voted to use the form, he prefers not to use it at this time.
 - Clark-Hubbard then asked if a special meeting should be called to approve the minutes once they are drafted to serve as the official record. The matter was tabled.
 - ZBA approval was written on the variance application and provided to Mr. Kosinski.

Old Business:

- ZBA alternate members – no discussion, however Mr. Vukin indicated he emailed Clerk Todd Lincoln that he was interested in applying as an alternate member of the ZBA but was only told to come to a future ZBA meeting.
- Minute book – no discussion
- Fees – no discussion

Adjournment:

There being no further business to come before the ZBA, the meeting adjourned at approximately 7:35pm.

Recorded by:
Brandi Clark-Hubbard
Recording Secretary, Cato Township Zoning Board of Appeals