

CATO TOWNSHIP ZONING BOARD OF APPEALS

MEETING MINUTES

DATE: 09.26.23

TIME: 7:00 PM

LAKEVIEW COMMUNITY CENTER

IN ATTENDANCE

ABSENT

Jourdan Rasmussen
Ben Stout
Ginger Imhoff - alternate
Dave Kelsey – Zoning Administrator

Joe Main

- Main has recused himself and Imhoff will fill his vacancy.

Pledge of Allegiance led by Jourdan Rasmussen

MEETING CALLED TO ORDER 7:02 PM

APPROVAL OF AGENDA

Motion by Stout, supported by Imhoff, to approve agenda. All in favor. Motion carried.

APPROVAL OF MINUTES

Motion by Stout to approve minutes from 08.23.2023 special meeting, supported by Rasmussen. All in favor. Motion carried.

NEW BUSINESS

- **INTERPRETATION OF SECTION 5.04 OF CATO ZONING ORDINANCE (2022)**

SECTION 5.04
THE CATO TOWNSHIP PLANNING COMMISSIONS

A. Lot Size Amendment to Agriculture-Residential

Land abutting non-agriculture land needs only minimum residential setbacks. Setbacks apply to the non-agriculture abutting side or rear only. Lot shall be no less than 165 feet in width. Lot area shall be no less than one (1) acre.

Non-agriculture area: Existing residence, woodland, swamp, gravel pit, church, cemetery, small acreage (3 acres or less).

B. Allowing upgrade of single wide homes

Must meet following conditions

1. Must have zoning and building permits.
2. Must meet current setbacks.
3. Must meet current minimum sq. footage.
4. Must not be over seven (7) years old.
5. Old single wide unit must be moved out of Cato Township within 90 days.

ZBA DISCUSSION (30 minutes)

Zoning administrator gave some clarification to terminology. The ZBA did not come to a consensus.

PUBLIC COMMENT (15minutes)

Pros and cons for 5-acre minimum parcel in Ag zoned areas were discussed.

MOTION

Stout moves to send section 5.04 back to the Cato Planning Commission for clarification. Motion not supported. Discussion followed as to whether further interpretation was the duty of the Planning Commission or the ZBA.

Stout restated his motion: Amendment 5.04 speaks to setbacks, but it is titled "lot size amendment". Send amendment 5.04 back to the Planning Commission to clarify lot size and/or area of setbacks. Did 5.04 amend 5.03 given there is conflicting language regarding 5-acre lot size.

Rasmussen supported the motion. All in favor. Motion carried.

• VARIANCE REQUEST – 10697 CHURCH RD

ZBA members were given a variance application submitted by Marco Bilello on 8.8.23. With this application Mr. Bilello also included a certificate of survey, the legal description of parcel 1, parcel 2 and a copy of the Land Division Application from Cato Township.

ZBA DISCUSSION (15 minutes)

The applicant is requesting a non-use variance involving property located at 10697 Church Rd, Lakeview, MI 48859 (Parcel No. 004-032-009-1). This request would divide the original 37.78-acre parcel into (parcel 1) 1.58 acres and (parcel 2) 36.20 acres. A land division resulting in a parcel less than the required minimum five (5) acre lot size in the Agricultural-Residential district would require a zoning variance.

PUBLIC COMMENT (20 minutes)

The applicant spoke with the previous supervisor, who also did land divisions for Cato township, explaining his plans prior to purchasing the property and getting the survey. The Cato supervisor assured the applicant, Mr. Bilello, would be approved for the requested land division if his division resulted in a lot that was 333 feet wide.

ZBA DISCUSSION

MOTION

Rasmussen moves to approve the variance, due to the unique circumstances, and honor the commitment to the applicant that was made by the previous supervisor. Motion supported by Imhoff.

PUBLIC COMMENT reopened/close (5minutes)

Motion was restated and vote was taken.

Rasmussen-yes, Imhoff-yes, Stout-no. Motion carried.

Rasmussen completed paperwork for the variance and passed it to other members where it was signed.

NEXT MEETING

Tuesday January 9th, 2024

MEETING ADJOURNED

Imhoff moves to adjourn, Stout supported. All in favor. Meeting adjourned at 8:28PM