

Lincoln Charter Township  
**Zoning Board of Appeals**  
**ELECTRONIC** Regular Meeting & Public Hearing  
December 7, 2020 at 7:45 pm

Vice-Chairman, Dave Boelcke called the **ELECTRONIC** regular meeting and public hearing of the Zoning Board of appeals (ZBA) to order on Monday, December 7, 2020 at 7:45 p.m. (delayed per P.C. mtg)

**CALL TO ORDER**

**ROLL CALL**

Present: Dave Boelcke, Gil Urban, Bob Rice, Ned Totzke, Andy Barbott, Chad Deja, and Tom Norbey.

Absent: Jerry Kelly and Ralph Bansen.

Also present: Building Official Jim Pheifer and Recorder Judy Dunlap.

**ADJOURNMENT TO THE ELECTRONIC PUBLIC HEARING**

**Boelcke** adjourned the **ELECTRONIC** regular meeting to go into the **ELECTRONIC** public hearing.

Lincoln Charter Township  
**Zoning Board of Appeals**  
**ELECTRONIC** Public Hearing  
Immediately following the **ELECTRONIC** regular meeting  
December 7, 2020

**PURPOSE OF THE ELECTRONIC PUBLIC HEARING**

To consider a request from Ricardo Schiesser to place an accessory building in the side-yard and encroach into the side-yard setback of the property at 5374 Wilshire Terrace, St. Joseph, MI on parcel #11-12-1050-0002-00-3, zoned (LD) Low Density Residential District on approximately .789 acres. The dimensional variance is requested from the Zoning Ordinance Article III, Section 230.304 Accessory Buildings and Structures, Item E, Reference 2.

**PRESENTATION BY PETITIONER**

**Ricardo Schiesser** had a PowerPoint slide show presentation for the commission. Schiesser proposed to build a 14' x 24' 336 sq. ft. building to accommodate his truck. This would have to be larger than the 200 sq. ft. that is allowed. He is requesting the variance because it will not be located in the rear yard and not 10 feet from the property line. A creek and ravine take up most of his backyard. The creek overflows with heavy rains. A survey was done to show the unusual topography and elevations of the property. Schiesser proposed to be 3 feet from the property line and 11 feet from his principal building. The style of the building would match his house with matching siding and roof. An elevation drawing was shown. Schiesser states that he has an eight foot drop in his backyard and would be inaccessible for a vehicle at times. The proposed location

was chosen so he does not have to cut down a large tree. It would be 24 feet from his neighbor's house. They do not have a problem with his proposed building.

The reasons he does not want to add on to his existing garage is because it has an attic attached and will not support any additional roof loads. It would cut down on the natural lighting in the garage and it would be very costly. It would also be uninhabitable during any construction. A huge tree would need to be cut down to allow construction in a different location. The 11 ft. distance from the house would still allow him to drive a vehicle in the rear yard if needed.

**AFFIDAVITS OF POSTING, MAILING, AND PUBLISHING** on file.

**SESSION FOR THE BOARD TO ASK QUESTIONS AND ADDRESS THE CHAIRMAN ON THE PETITION**

Deja asked **Schiesser** how he planned to access the building. **Schiesser** stated that he would not have a driveway. It would not be accessed that much. It would mainly be for storage. He would like to store an old car in it. **Boelcke** noted that in the ordinance for an accessory building under 200 sq. ft. is NOT allowed in a side-yard. **Rice** noted that exceptional topography and extraordinary conditions are parameters to allow a variance. The flooding and topography here could be reasons for a variance. This is only a comment. **Boelcke** asked **Schiesser** if he had room in the backyard for the 14' x 24' building. **Schiesser** stated yes he does. **Schiesser** replied the main reason is the slope. **Boelcke** asked if he could access his backyard from the walkout basement and could he fit a 14' x 24' building in the backyard. **Schiesser** answered yes to both questions. **Boelcke** stated that he could add onto the existing garage and still be within the required setback. Cost does not enter into this equation. The Commission's decision cannot be based on cost. **Barbott** asked if he could move the building closer to his house. **Schiesser** explained it wouldn't work.

**CORRESPONDENCE**

None.

**PUBLIC COMMENTS**

None.

**CLOSE PUBLIC COMMENTS**

**ADJOURNMENT TO THE ELECTRONIC REGULAR MEETING**

**Norbey** seconded by **Totzke** to adjourn the public hearing. All Ayes Motion carried.

**Boelcke** adjourned the **ELECTRONIC** public hearing into the **ELECTRONIC** regular meeting.

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**ADDITIONS TO AND APPROVAL OF THE AGENDA**

**Rice**, seconded **Norbey**, made a motion to approve the agenda. All Ayes. Motion carried.

**APPROVAL OF MINUTES**

**Rice**, seconded by **Barbott**, made a motion to approve the minutes of the regular meeting of November 9, 2020 as e-mailed. All Ayes. Motion carried.

**NEW BUSINESS**

To consider a request from Ricardo Schiesser to place an accessory building in the side-yard and encroach into the side-yard setback of the property at 5374 Wilshire Terrace, St. Joseph, MI on parcel #11-12-1050-0002-00-3, zoned (LD) Low Density Residential District on approximately .789 acres. The dimensional variance is requested from the Zoning Ordinance Article III, Section 230.304 Accessory Buildings and Structures, Item E, Reference 2.

**Totzke** noted that he did not know how long **Schiesser** has lived there but he enjoys his walkout basement which requires close to an eight foot slope. It would not look conducive to the rest of the housing units up and down the street. Being three foot away from his neighbors. He has the option to add onto the existing garage. I do not feel it is in the best interest of the Township for it to pass. **Boelcke** stated that if there is room in the backyard, he should put it in the backyard. If topographical conditions exist in the backyard to prevent it, it would be different. He doesn't have to put it in the side-yard. The request is just his own personal whim. The topographical conditions don't exist in the backyard. **Norbey** agreed with **Totzke** and **Boelcke**. **Norbey** went on to say that it doesn't look right within that particular neighborhood. To put one there would be different than everyone else. He can put one in the back if he wants one. **Schiesser** noted there are other accessory buildings on the side of houses in the neighborhood for various reasons and he isn't the first. **Boelcke** stated that the ZBA strictly looks at the request at hand and does not review previous actions. **Schiesser** noted that his reluctance to install a building in the backyard is because of the access. In the winter it is impossible. **Barbott** noted **Schiesser's** practical difficulty is how does he use it, once he gets it there? **Boelcke** suggested he has the option to build onto his garage. No further discussion.

**Boelcke** called for a motion.

**Totzke**, seconded by **Norbey** motioned to deny the dimensional variance.

**Boelcke** explained that a yes vote is to deny the variance and a no vote is to approve. **Boelcke** then called for a roll call vote.

**Roll call vote:** Barbott: yes, Rice: yes, Tetzke: yes, Deja: yes, Urban: Yes, Norbey: yes, Boelcke: yes. Absent: Kelly and Bansen.

Motion carried.

**Boelcke** explained that **Schiesser's** request was denied.

### **UNFINISHED BUSINESS**

None.

### **CORRESPONDENCE**

None.

### **ADJOURNMENT**

**Norbey** seconded by **Barbott** to adjourn. All ayes. Motion carried. Meeting adjourned at 8:31 p.m.

The next regularly scheduled meeting is on the Monday, January 4, 2021 at 7:00 p.m.