

**CITY OF LINDEN  
ZONING BOARD OF APPEALS  
SPECIAL MEETING MINUTES**

**Monday, March 20, 2023**

**7:00 p.m.**

**CALL TO ORDER**

The special meeting of the Linden Zoning Board of Appeals was called to order at 7:01 p.m. by Vice Chairperson Daniel McComb. The meeting was held within Council Chambers, on the lower level of the Mill Building located at 201 North Main Street, Linden, Michigan.

**ROLL CALL**

**PRESENT:** Esther McDaniel, Daniel McComb, Christine Kinyon, Daniel Cusson, Betty Ciesielski

**ABSENT:** Scott Ward

**OTHERS PRESENT:** Adam Young, City Planner/Zoning Administrator; Kristyn Kanyak, Deputy Clerk

**MINUTES APPROVAL**

Motion by Ciesielski, second by Cusson to approve the minutes of the October 12, 2022 Regular Zoning Board of Appeals Meeting. Motion carried 5-0.

**PUBLIC HEARING**

(A) ZBA-02-23 1505 West Rolston Rd. – Accessory Building Variance

Young reviewed the variance requests for overall size and height for the accessory building in detail, standards of evaluation for practical difficulty; and reviewed public hearing notices and letters sent. Craig Hatch and Dawn Rutkowski, the applicants, were present to review the request. The applicants distributed copies of their proposal they put together to Board Members and City Staff present, and reviewed the content within. Hatch presented on the location of the proposed building on their property; offered a description of the property and acreage; reasoning for the size requested; referenced the city zoning ordinance pertaining to accessory building and structures, as well as keeping of horses; discussed nearby properties; property size and allowance for animals; types of feed and storage; supplies and equipment; reviewed interior and exterior elements of the proposed structure; and reviewed size of parcels map from city presented at previous city board meetings and corresponding acreage. Hatch and Rutkowski shared information on their horses and donkey. Brief discussion regarding interior elements and materials used for stables and the need for the size requested, and unique elements of the property.

McComb opened the public hearing at 7:22 p.m.

Monica Larner, resident of 152 West Rolston Road, provided public comment.

Tom Hicks, resident of 1535 West Rolston Road, provided public comment.

There was additional discussion amongst Commissioners, the applicants and meeting attendees making comment regarding proper storage of hay, as well as methods for storing and reasoning.

Carrie Kolar, resident of 911 North Bridge Street, provided public comment.

McComb closed the public hearing at 7:32 p.m.

## **CITIZENS' COMMENTS**

None.

## **COMMUNICATIONS**

Kanyak verified no written correspondence was received for the public hearing item.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

### **(A) ZBA-01-23 Election of Officers**

Young reviewed the officer positions as referenced within the Board's by-laws: Chairperson, Vice Chairperson and Secretary. Board Members reviewed whom the current Officers are and briefly discussed Ward's absence. McComb opened nominations.

Motion by Kinyon, second by McDaniel to nominate Scott Ward as Chairperson. There were no other nominations. Roll call. Motion carried 5-0.

**AYES:** Ciesielski, Cusson, Kinyon, McComb, McDaniel

**NAYS:** None

**ABSENT:** Ward

Motion by Ciesielski, second by McDaniel to nominate Dan McComb as Vice Chairperson. There were no other nominations. Roll call. Motion carried 5-0.

**AYES:** McDaniel, Kinyon, McComb, Ciesielski, Cusson

**NAYS:** None

**ABSENT:** Ward

Motion by Ciesielski, second by McDaniel to nominate Christine Kinyon as Secretary. There were no other nominations. Roll call. Motion carried 5-0.

**AYES:** Kinyon, Cusson, Ciesielski, McComb, McDaniel

**NAYS:** None

**ABSENT:** Ward

### **(B) ZBA-02-23 1505 West Rolston Rd. – Accessory Building Variance**

Young reviewed his Staff Report: We are in receipt of an application submitted by applicant and property owner Craig Hatch requesting variances from Section 154.061, (A), (3) and Section 154.061, (A), (4) for a proposed pole barn on his property located at 1505 West Rolston Road. The property is zoned R-2, Single-Family Residential District. The applicant submitted a building permit application in February for a new pole barn in the rear yard of their residential property. The proposed pole barn would be 5,000 square feet in size (50 feet by 100 feet) and 20 feet in height. Although the proposed pole barn would comply with placement and setback requirements of the Zoning Ordinance, the building permit application was denied because the proposed pole barn does not meet the requirements. The subject site (Property ID #61-20-506-049) is 12.8 acres in size with approximately 350 feet of frontage on West Rolston Road. An existing dwelling is located in the center of the property, set back approximately 560 feet from the road. One existing detached accessory structure (horse stable), approximately 500 square feet in size, is located in the rear yard (we understand that this building would be removed and replaced by the proposed pole barn). An existing pond is located in the east-central portion of the property. A significant portion of the rear yard (southwest corner of the property) is a floodplain and wetland. The subject site does feature

some rolling topography, with the northern and central portion of the site on higher ground (elevations ranging from 870 feet to 884 feet above sea level) and the southwestern and southeastern portions of the site on lower ground (elevations as low as 854 feet above sea level). Trees and other vegetation is scattered throughout the rear portion of the site. According to the application, the proposed pole barn will be used to accommodate 8 horses and related horse supplies. Per Section 154.069, horses are allowed to be kept on any residential property which is at least 5 acres in size. One horse is allowed for the first 5 acres of property size, and one additional horse is allowed for each additional acre of land thereafter. Containing 12.8 acres, a total of 8 horses may be kept on this subject site. Section 154.069 additionally states that all horses shall have enclosed stable space available on site and that areas in which horses are kept shall be completely enclosed by a fence. In the variance application form, the applicant argues that “8 horses and the necessary supplies cannot be contained within the space allowed for an out building in the zoning code” and that the proposed pole barn “is the minimum size required to house the 8 horses allowed and the supplies necessary.” The applicant is requesting variances from Section 154.061, (A), (3) and Section 154.061, (A), (4) to permit a pole barn that is larger and taller than what is allowed. In evaluating the request and the existence of a practical difficulty, the Zoning Board of Appeals shall consider the standards of Section 154.218, (E), (2) of the Zoning Ordinance: a. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose; b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners; c. That the plight of the landowner is due to the unique circumstances of the property; and d. That the alleged hardship has not been created by any person presently having an interest in the property.

McComb and Young discussed the residential zoning map and typical residential-zoned size range, average. Ciesielski and Young discussed how zoning regulations were developed to cover the majority. Discussion regarding uniqueness of this particular property and horses; the ordinance regarding property size and horse ownership. Further discussion regarding ZBA process and Planning Commission and processes. Discussion regarding details of the motion.

Motion by Cusson, second by Kinyon to approve a variance from Section 154.061, (A), (3) to allow a pole barn with a size of 5,000 square feet and a variance from Section 154.061, (A), (4) to allow a pole barn with a height of 20 feet, proving all standards of Section 154.218, (E), (2) have been met. Roll call. Motion carried 5-0.

**AYES:** McComb, McDaniel, Kinyon, Cusson, Ciesielski

**NAYS:** None

**ABSENT:** Ward

#### **COMMISSIONER/COMMITTEE REPORTS**

Discussion amongst Kinyon, Cusson and Kanyak regarding the content of the minutes. Kinyon and Kanyak briefly discussed recordings and retention.

#### **ADJOURNMENT**

Motion by Kinyon, second by McDaniel to adjourn the meeting. Motion carried 5-0. The meeting was adjourned by Vice Chairperson McComb at 8:02 p.m.

Respectfully Submitted,

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Kristyn Kanyak, Deputy Clerk

Approved: \_\_\_\_\_