

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES
May 16, 2024**

Call to Order: Chair Smith called the meeting to order at 6:00pm.

Pledge of Allegiance: Recited by everyone in attendance.

Roll Call of Board Members:

Members Present: Robert Fudge, Kent Rozycki, Lynne Fricke, Scott Swan and Rick Smith

Also in Attendance: Zoning Administrator Mike Green

1. Review and Approval of the Agenda – Conflicts of Interest (6:01)

Swan moved and Rozycki seconded to approve the agenda as presented.

Yeas: Swan, Rozycki, Fudge, Fricke, Smith

Nays: None

2. Review and Approval of Meeting Minutes – April 18, 2024 (6:02)

Fudge moved and Swan seconded to approve the minutes of April 18, 2024 as presented.

Yeas: Fudge, Swan, Fricke, Rozycki, Smith

Nays: None

3. Public Hearings (6:02)

- a. A request made by Kathy Boyd, a resident at 1669 Lake Drive, to appeal the issuance of a Land Use Permit for grading and drainage activities on an adjacent parcel. The subject property is located at 1661 Lake Drive with the property number of 05-295-035-00.**

Applicant Kathy Boyd addressed the ZBA and said that her appeal was to address two items. She asked the ZBA to enforce Zoning Ordinance Section 511.A which pertains to a 10 foot sideyard setback, in this case, for a small section of the neighbor's driveway. Boyd is also requesting that the ZBA overturn the neighbor's stormwater permit since the drainage is faulty and water from the neighbor's property flows onto her property. She read her letter dated April 16, 2024 and presented a PowerPoint presentation to make her argument. Board members asked questions regarding the presentation from Boyd. Zoning Administrator Green stated that the goal is compliance with the ordinance and that grading without a permit and drainage on the site are the main issues. One must meet the stormwater ordinance in order to get a drainage permit. Green also addressed the two letters from Gourdie Fraser - one dated January 26, 2024 and revised on February 8, 2024 and the other dated April 26, 2024. Gourdie Fraser stated in the April 26th letter that Mr. Waggoner needed to

get stormwater plans to Gourdie Fraser to fix the issue so that it meets their recommendations. Gourdie Fraser also stated that they never certified the stormwater plans that Waggoner put in place. Green stated that residential certification of stormwater plans are not an option in the township ordinance.

Chair Smith opened the public hearing at 7:01pm.

Bill Waggoner, owner of 1661 Lake Drive, spoke and said that he purchased the property in the winter of 2022 and in the spring of 2023, noticed that there were erosion issues on the shore. He added that EGLE told him that he was allowed to arrest the erosion. He then made plans for a retaining wall and applied for a soil erosion permit. Waggoner stated that he also wished to repair the non-conforming driveway and the person constructing the driveway suggested a trench drain in front of the garage. Waggoner questioned why he needed a land use permit to fix the driveway.

Smith closed the public hearing at 7:26pm.

Board members told Waggoner to obtain all permits needed from necessary authorities to complete his work correctly and legally and to remedy all violations. Engineers from Crain or Gourdie Fraser could tell him what needs to be done with the drainage system to make it work properly. Board members also asked Waggoner to remove the small area of concrete which encroaches into the 10-foot sideyard setback.

Rozycki moved and Fricke seconded to REVERSE the decision of the Zoning Administrator to issue Land Use Permit as requested based on noncompliance with the Stormwater Ordinance as alleged by the Appellant and the based on a determination that the reconstruction of the driveway does not qualify as a legal nonconforming use based on the standards of Section 812 – Nonconforming Sites.

Yeas: Rozycki, Fricke, Fudge, Swan, Smith

Nays: None

4. Other Business (7:46)

None

5. Items for Next Agenda (7:46)

Green gave an overview of next month's ZBA case.

6. Public Comment (7:46)

None

7. Adjournment: *Fudge moved to adjourn the meeting at 7:46pm.*



Lynn Fricke, Secretary