

# Rutland Charter Township Zoning Board of Appeals Special Meeting and Public Hearing

May 15, 2025

## Meeting Called to order at 7pm by Chairperson Haywood Pledge of Allegiance

### Roll Call Members Present:

Jim James, Eric Miller, Larry Haywood, Robin Hawthorne, Carl Lickley

### Others Present:

Craig Rolfe, Todd and Kristina Porritt, Stacey Graham, Morgan Haley, Jason Watson, Jordan Bultema, John Hine, Carl Benner, Warren Martus, Diane Martus, Charles Hertzler, Bryan Porritt, Linda Porritt, Kassie Ceater, Judy VanDien, Jerry V., Jay Heath, Brenda Heath, Laura Weisenhofer, Anthony Heath, Dakota Haines, Mike Weirenga, Matt Weisenhofer, Paul & Kristy McKay, Barbara Case, Jesse & Shayla Cline

### Agenda Approval

Motion by James, second by Lickley to approve the May 15<sup>th</sup> agenda. All ayes, motion carries.

### Meeting Minute Approval – March 3rd, 2025

Motion by Haywood, second by Miller to approve meeting minutes from March 3rd, 2025. Roll Call: Jim James - Yes, Eric Miller - Yes, Larry Haywood - Yes, Robin Hawthorne - Yes, Carl Lickley - Yes. Motion carries.

### Public Comment

Todd Porritt addressed board. Kristina Porritt addressed board. Numerous audience members addressed the board on behalf of Yankee Bill's.

### Zoning Administrators Comments

Graham has provided her report to the board. She explains that the Planning Commission approved Yankee Bill's Site Plan on April 2, 2025, contingent on removal of the 30ft of the south side parking lot. The applicants have decided to appeal the PC's determination on the parking lot and ask the ZBA for a variance.

### Old Business

None

## **New Business**

**Chairperson Haywood Opens Public Hearing – Application from FCC Construction, on behalf of Yankee Bill's Restaurant, 606 Whitmore Rd, Hastings, MI 49058 (parcel #08-13-018-002-00) for variance relief from a parking lot setback requirement of 30' from any residentially zoned property or property located outside of the Mixed Use District.**

Craig Rolfe presented the details of the requested variance.

Haywood asks applicant if he wishes to add anything.

Haywood closes the Public Hearing.

### **Board Deliberations:**

ZBA members discuss that they only have the authority to grant a variance if all 5 standards laid out in 220-24-9-A are met. Board discusses the neighboring parcel on the south side of the property is a driveway, leading to a residence, this displays an exceptional circumstance. It is proposed to remove 10ft instead of 30ft and add fencing and landscaping.

Haywood reads through the 5 standards laid out in 220-24-9-A and board members talk through each:

1. Standard has been met by reason of the extraordinary and exceptional conditions and there are practical difficulties preventing compliance of the property in question. On Roll Call Vote 3 ayes- James, Lickley and Haywood, 2 nays- Hawthorne and Miller.
2. Standard has been met due to exceptional or extraordinary circumstances or conditions applying to this specific property. On Roll Call Vote 5 ayes.
3. Standard has been met. Board members agree granting the variance would not be a detriment to the adjoining properties. On Roll Call Vote 5 ayes.
4. Standard has been met. The variance would not materially impair the intent and purpose of the standards in Chapter 220. On Roll Call Vote 5 ayes.
5. Standard has been met. The variance is necessary for the preservation and enjoyment of property rights similar to that possessed by other properties that are subject to the same requirements. On Roll Call Vote 4 ayes- James, Miller, Haywood, Lickley Nays- Hawthorne.

Motion by James that the variance be granted as specified in the application and to clarify specification removing 10ft of the paving, erecting 6ft stockade fence and planting 9 deciduous trees along the south property line, as specified in the application, seconded by Lickley, to approve the variance request from Todd and Kristina Porritt based on the 5 standards of ordinance 220-24-9-A being met. Roll Call Vote - Jim James - approve, Eric Miller - deny, Larry Haywood - approve, Robin Hawthorne - approve, Carl Lickley - approve. Variance is granted as submitted, without conditions.

## **Public Comment**

## **Adjournment**

Motion by Lickley to adjourn, second by Hawthorne. All ayes, meeting adjourned 9:15pm.

Submitted by Morgan Haley, RCT Recording Secretary