

Village of Caledonia Zoning Board of Appeals
Meeting Minutes for April 21, 2022

Members Present: Bill Hughes, Bob Middleton, Cory Sisson, Patrick Talty

Also Present: Mike Burnside, Code Enforcement Officer

Tony Coppini, 24 Stoney Oak Circle

Dale Phillips and Mitch Phillips, 3084/3086 Mill Street

The meeting was called to order with the Pledge of Allegiance at 7:00 pm.

Tony Coppini, 24 Stoney Oak Circle

Mr. Coppini would like to add a 20' deep extension to his existing, attached garage. His permit was denied due to lack of rear setback. He seeks an area variance to proceed with this project.

Motion by Bob Middleton, seconded by Patrick Talty, to hold a public hearing on Wednesday, May 25 at 7:00 pm.

Aye: Bill Hughes, Bob Middleton, Cory Sisson, Patrick Talty

Nay: None

Abstention: None

Dale Phillips, 3084/3086 Mill Street

Ms. Phillips purchased these properties in 2021. She would like to replace the structure of 3086 Mill Street with either a prefabricated structure or repair the structure as it stands.

She is seeking a use variance to fully replace the structure at 3086 Mill Street with a prefabricated building that would be the same shape and size as what is currently there. She has already received a permit to rebuild/repair the structure. In addition, they have cleaned out garbage/debris/mold from both 3084 and 3086. The Phillips' preferred method would be to purchase a shell structure that conforms to current dimensions and place it on the existing foundation, then construct the interior to meet current energy and residential codes.

This property is in a Land Conservation zone. As such, it cannot be modified. Per codes 215.39 and 215.40, you cannot build or replace structures in this zone. You can repair existing structures.

Other information provided by applicant:

- The real estate listing for this property did not state the Land Conservation restrictions.
- Ms. Phillips' husband talked with people at Livingston County land conservation, who are in favor of rehabbing/fixing up the property
- The septic system was tested and passed

Per Mike Burnside:

- Code only allows certain things in L-C
- Current setback requirements would not allow new structures to be built
- The zoning was changed while people were living there, and will not be grandfathered (changed to anything other than L-C; it is pre-existing, non-conforming)
- This property can continue to be a residence because it was last used as a residence
- It is currently condemned and does not have a Certificate of Occupancy; to be used as a residence again, it will need a new C of O.
- He expressed concerns about these properties to Ms. Phillips prior to her purchasing them

Motion by Bob Middleton, seconded by Bill Hughes, to hold a public hearing for this matter on May 25 at 7:00 pm, pending Village attorney availability to attend.

Aye: Bill Hughes, Bob Middleton, Cory Sisson, Patrick Talty

Nay: None

Abstention: None

Board members discussed this project and how a variance might be attainable. They reviewed the criteria, which must all be met for the variance to be approved. At this point, #1, #2, and #4 would be reasons to reject the variance.

Questions for Village Attorney Ed Russell:

- Define "alteration" as it applies here
- What triggers their need for a variance, vs. how they can proceed with the project without a variance
- How does placing a shell structure on the foundation apply to the terms "build," "alter," or "erect"?
- Section 215-8: is there any other definitions we can offer?
- Would this be considered a "modular dwelling" if a structure is placed on the foundation?

January 2022 Minutes

Motion by Patrick Talty, seconded by Bob Middleton, to approve.

Aye: Aye: Bill Hughes, Bob Middleton, Patrick Talty

Nay: None

Abstention: Cory Sisson

October 2021 Minutes

Motion by Cory Sisson, seconded by Bob Middleton, to approve.

Aye: Bill Hughes, Bob Middleton, Cory Sisson

Nay: None

Abstention: Patrick Talty

Motion by Patrick Talty, seconded by Bob Middleton, to adjourn the meeting at 8:50 pm.

Aye: Bill Hughes, Bob Middleton, Cory Sisson, Patrick Talty

Nay: None

Abstention: None

Elizabeth Dietrich

Secretary, Village of Caledonia Zoning Board of Appeals