



ROBINSON TOWNSHIP ZONING BOARD OF APPEALS

Ottawa County, Michigan

April 10, 2019

The special meeting of the Robinson Township Zoning Board of Appeals was called to order at 6:00 P.M. at the Robinson Township Hall.

Present:

Rich Saddler
Shannon Felgner
John Wood
Bill Maschewske

Absent:

Rich Maike

Roll call was taken by signature.

Also present were Township Attorney Ron Bultje, Zoning Administrator Brian Werschem, and seven members of the public.

A motion was made by Rich Saddler and seconded by Bill Maschewske to approve the minutes of the March 19, 2019 Zoning Board of Appeals meeting.
The motion carried unanimously with one member absent.

As scheduled, the public hearing was declared open for the Emily Sabolik variance request for parcel no. 70-04-33-300-030. The applicant is requesting a reduction from fifteen feet to zero feet of the side yard requirement for an existing pole barn.

A presentation was made by Jake Hogeboom of Home Realty. Mr. Hogeboom stated the previous owners had let the property go into foreclosure. The property was legally split, with appropriate Ottawa County approval, with the property boundary line for the 33 ft. wide ingress/egress for newly created parcel 70-04-33-300-029 going through the subject accessory building.

The property history was summarized by Zoning Administrator Werschem and is included in the attached document from him dated April 2, 2019. It was noted that many options were investigated, but all had negative issues associated with them and that the requested variance was the best option. In summary, in the 1970's, the property was five acres in size and included the flag lot to the west and south. In 1982, a pole barn was constructed on the five acre parcel. The flag lot, parcel 70-04-33-300-029, was created in 1993 with County approval, the division predating the Michigan Land Division Act. The creation of the flag lot resulted in part of the

pole building being on parcel 70-08-33-300-029 instead of being wholly contained on parcel 70-08-33-300-030, including the required 15 ft. setback from the adjacent property line.

Rich Saddler inquired about ownership of the subject properties.

Carl Nelson stated he was the owner of parcel no. 70-08-33-300-029 and is in full support of granting the variance and has already granted an easement for the part of the building that is on his property.

There were no additional comments from the public.

A motion was made by Rich Saddler and seconded by John Wood to close the public hearing at 6:14 P.M.

The motion carried unanimously with one member absent.

Rich Saddler – Questioned the size of the access to parcel 70-08-33-300-029. Also, should the variance end if the pole building were destroyed?

Zoning Administrator Werschem – Stated the width of the access was 33 ft. He noted that the variance ending if the pole building were destroyed was an option.

At this time, the five criteria for a dimensional variance were reviewed.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.

The existing accessory building is located over the property boundary. The 1993 property split was done with Ottawa County approval but did not include the required accessory building side yard.

All members voted in favor of the request meeting Criteria 1. with one member absent.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

The property owners should be able to retain the existing accessory building which was legally built in 1982. The property boundary change and lot split were approved by Ottawa County, as required, in 1993.

All members present voted that the variance request meets Criteria 2.

3. Such variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

The adjacent property owner has granted an easement to accommodate zero side yard setback and will not lose any property rights.

All members present voted that the variance request meets Criteria 3.

4. The condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.

This is a unique situation, particularly the manner in which it was created.

All members present voted that the variance request meets Criteria 4.

5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

The current property owners were not involved in the creation of the problem. The problem was Ottawa County approved the land division not meeting the side yard setback requirement for the existing accessory building.

All members present voted that the variance request meets Criteria 5.

A motion was made by Rich Saddler and seconded by John Wood to approve the requested variance on parcel no. 70-04-33-300-030 granting a zero side yard setback for the existing accessory building only, based upon the findings of meeting the conditions of Section 40.6A of the Zoning Ordinance and with the following conditions.

1. Based upon the application materials submitted to the Township.
2. Subject to the easement dated March 29, 2019 as recorded April 1, 2019 remaining in place.
3. Contingent on the existence of this particular accessory building. The variance will terminate if the easement is no longer in effect.

A roll call vote was taken.

Rich Saddler – Yes

John Wood – Yes

Bill Maschewske – Yes

Shannon Felgner – Yes

The motion carried unanimously with one member absent.

A motion was made by Rich Saddler and seconded by Shannon Felgner to adjourn the Zoning Board of Appeals meeting at 7:04 P.M.

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske
Acting Secretary, Robinson Township
Zoning Board of Appeals

Attachments:

Attendance Sheet

Memorandum from Zoning Administrator Werschem dated April 2, 2019