



ROBINSON TOWNSHIP ZONING BOARD OF APPEALS

Ottawa County, Michigan

June 16, 2022

The special meeting of the Robinson Township Zoning Board of Appeals was called to order at 7:00 P.M. at the Robinson Township Hall.

Present:

Rich Saddler
John Wood
Bill Maschewske
Doug Putnam

Absent:

Brianna Fowler

Roll call was taken by signature.

Also present were Township Attorney Ron Bultje, Zoning Administrator Julie Lovelace, applicants Mark and Janice McLaren, and one additional member of the public.

Doug Putnam was introduced to the other members of the Zoning Board of Appeals. Mr. Putnam stated he has been a resident of the Township for approximately five years and was appointed in 2019.

Election of Officers

Nominations were declared open. Bill Maschewske nominated Rich Saddler for Chairperson and Rich Saddler nominated John Wood for Vice-Chairperson and Bill Maschewske for Secretary. A motion was made by Rich Saddler and seconded by John Wood to close nominations.

A vote was taken and the candidates were unanimously, with one member absent, elected to their respective offices

Approval of Minutes

A motion was made by Rich Saddler and seconded by John Wood to approve as written the Zoning Board of Appeals minutes from the April 10, 2019 meeting.

The motion carried unanimously with one member absent.

Dimensional Variance

The rules of procedure were reviewed by Chairperson Saddler and the public hearing notice was read by Secretary Maschewske. The public hearing was declared open by Chairperson Saddler.

Applicant Mark McLaren presented the request for a variance from the 75 ft. front yard setback requirement to 40 ft. He noted this setback was previously approved for the former owner for the construction of the house. They wish to relocate their garage from the front of their house and reattach it with a breezeway to the house. The setback for the garage will be approximately 47 ft. from the ROW. He also noted that the lot has extenuating circumstances due to the topography. They want to relocate the garage so that the front door of the house can be made to face the street. The applicant provided additional information in a document dated June 16, 2022, attached. Mr. McLaren stated he was surprised there was a 75 ft. front yard setback requirement since it made adding an attached garage difficult on his lot.

John Wood – How did the high water levels of 1993 and 1994 effect the lot.

Mark McLaren – The proposed location of the garage is above the floodplain and not at a lower elevation than its previous location. They did not own the parcel in 1993 and 1994.

Chairperson Saddler called for additional public input and there was none.

A motion was made by John Wood and seconded by Doug Putnam to close the public hearing. The motion carried unanimously with one member absent.

Chairperson Saddler called for questions from the Planning Commission.

Bill Maschewske -- How much frontage does the lot have on the public street?

Mark McLaren – It is 145.56 ft. Mr. McLaren also submitted a letter dated June 16, 2022 that included a fully dimensioned site plan showing both the previous and proposed location of the garage.

Chairperson Saddler – What is the 20 ft. wide strip shown on the plan on the east side of the property?

Mark McLaren – It is a 20 ft. wide strip that was sold to the neighbor some time ago.

Bill Maschewske -- Does this then make this a legal non-conforming lot created prior to 1988 per Section 4.24 A (1) of the Zoning Ordinance? If it does, then according to Chapter 30, the front yard setback is reduced to 40 ft.

Township Attorney Bultje – The lot is actually conforming since the frontage is on a curved street, making the frontage requirement 40 ft. instead of 150 ft.

Doug Putnam – He believes the front lot line only should extend as far as the frontage on the street. The rest of the North property line should be a side yard.

Township Attorney Bultje – According to the Zoning Ordinance, the front lot line extends the full width of the property.

Chairperson Saddler – Therefore, the front yard requirement is 75 ft.

Bill Maschewske – What is the size of the other accessory building on the site?

Mark McLaren – It is 40 ft. by 40 ft.

Township Attorney Bultje – Read Section 4.2 of the Zoning Ordinance regarding what makes an accessory building qualify as attached.

Bill Maschewske – What size is the garage that is to be attached?

Mark McLaren – It is 24ft. by 38 ft.

A discussion followed regarding the allowed sizes of accessory buildings in the R-1 Zoning District per Section 4.2 of the Zoning Ordinance. Per the Zoning Ordinance, the lot would be allowed 2040 sq. ft. of unattached accessory building. However, Mr. McLaren showed detailed architectural plans indicating that what is identified as a breezeway connecting the garage in the proposed location to the house is actually living space that is heated and includes a bathroom. Therefore, the garage in its proposed location will be an attached garage and does not subtract from the 2040 sq. ft. of allowable accessory building on the site.

Chairperson Saddler – Noted that the new location of the garage would be less non-conforming than its previous location.

Doug Putnam – Who drew the original site plan submitted to the Zoning Board of Appeals?

Mark McLaren – He did.

Bill Maschewske – Reviewed both front and side yard requirements that would have been in effect when the house and garage were originally constructed in 1975.

At this time, there were no more questions or discussion, so the criteria for a Dimensional Variance from Section 40.2 A of the Zoning Ordinance 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.

Response: The consensus of the Zoning Board of Appeals is that the topography creates special circumstances unique to this parcel. Also see comments from the Zoning Administrator in the attached report dated June 2, 2022. This criteria is met.

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.

Response: The consensus of the Zoning Board of Appeals agree with the Zoning Administrators comments as follows – “Most property owners enjoy the similar right of having an attached garage where possible and practical. At 1.85 acres, the parcel is large enough to accommodate a garage, but the contours do limit the location.” The criteria is met.

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.

Response: First, there is no public opposition to the variance request. Second, the proposed location of the garage and it's attachment to the house will decrease the current non-conformity. The criteria is met.

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.

Response: Doug Putnam inquired regarding redefining the definition of front yard regarding its extension across the entire width of a lot. He feels that only the portion of the North property line adjacent to the ROW should be considered the front yard for parcels on curved streets or cul-de-sacs. Bill Maschewske was requested to take this concern to the Planning Commission for consideration.

The consensus of the Zoning Board of Appeals is that the topographical contour conditions on this parcel are not a recurrent situation in the Township, therefore the criteria is met.

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

Response: The applicant did not create the topographical contours of the parcel. The applicants also did not construct the existing house which was built in 1975. Per the applicant, all previous improvements were built with the approval of the Township including the detached accessory building which was constructed after receiving a variance. Therefore, the Zoning Board of Appeals consensus is that the extraordinary circumstances applying to the property were not self-created and the criteria is met.

A motion was made by Doug Putnam and seconded by John Wood to approve the variance request from Mark and Janice McLaren for 13758 Pine Court to change the front yard setback

requirement from 75 ft. to 40 ft. for the purpose of attaching an existing garage to the house in a new and less non-conforming location. Approval is based upon documentation submitted by the applicant, both in the application and during the meeting, the report from the Zoning Administrator, and the findings of the Zoning Board of Appeals recorded in these minutes.

A roll call vote was taken.

Doug Putnam – Yes

John Wood – Yes

Rich Saddler – Yes

Bill Maschewske – Yes

The motion carried unanimously with one member absent.

Schedule 2022 Meeting Dates

Township Attorney Bultje noted that the Zoning Board of Appeals is not required to have scheduled meeting dates by law. The consensus of the members of the Zoning Board of Appeals was to therefore meet as needed and not set fixed meeting dates.

Any and All Other Business That May Come Before the Board

Doug Putnam noted he would like the Planning Commission to review the definition of Front Yard in the Zoning Ordinance.

Adjournment

A motion was made by John Wood and seconded by Doug Putnam to adjourn the Zoning Board of Appeals meeting at 8:23 PM.

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske