



ROBINSON TOWNSHIP ZONING BOARD OF APPEALS

Ottawa County, Michigan

October 19, 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
Brianna Fowler

Absent:

Doug Putnam

Roll call was taken by signature.

Also present were Township Attorney Ron Bultje, Zoning Administrator Julie Lovelace, applicant Craig Brumley, and two additional members of the public.

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 June 16, 2022 meeting.
The motion carried unanimously with one member absent.

Dimensional Variance

The applicant, Craig Brumley, is seeking a variance to the front yard setback requirement of 75 ft. to attach an existing detached garage with an approximate 12 ft. by 16 ft. structure and also expand an existing deck. The location is 13998 Green St., parcel no. 70-08-06-100-039.

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

Applicant Craig Brumley stated he wished to connect his house to an existing detached garage with a 12 ft. by 16ft. 3 inch addition which will be a habitable addition to the house. The addition would not meet the 75ft. setback requirement of the Zoning Ordinance. He also wishes to expand an existing deck. His understanding is the house was constructed in the early 1900's.

The lot is irregularly shaped and was created a long time ago. Therefore, he is seeking a variance to the 75 ft. setback requirement of the Zoning Ordinance.

Stephen and Colette Andersen were present and live three residences to the West. They are in favor of granting the variance and to property improvements.

The applicant responded that he has done what he can to improve the property and the granting of the variance would allow him to continue.

There were no more questions or comments from the public or the Zoning Board of Appeals.

A motion was made by John Wood and seconded by Brianna Fowler to close the public hearing at 7:10 PM.

The motion carried unanimously with one member absent.

There was a short discussion of the history of the lot and dwelling.

At this time, the Zoning Board of Appeals reviewed the criteria for a Dimensional Variance from Section 40.6 of the Zoning Ordinance.

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 was that the conditions were met. The subject lot was created prior to any Zoning Ordinance in Robinson Township. Additionally, the lot is irregularly shaped, has significant topographical features, is a waterfront lot with E-1 Zoning on the water side, and the dwelling was constructed prior to any Zoning Ordinance in the Township. The Zoning Board of Appeals also accepts the findings of Zoning Administrator Lovelace in her report dated September 27, 2022, attached.

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: Having the garage attached to the dwelling and a deck are property rights possessed by other properties in the R-1 Zoning District. The dwelling is normally sized for the area and the applicant's proposal is an improvement to the property. The Zoning Board of Appeals also accepts the findings of Zoning Administrator Lovelace in her report dated September 27, 2022, attached. The consensus is this condition 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: The Zoning Board of Appeals consensus is this condition is met. The Zoning Board of Appeals accepts the findings of Zoning Administrator Lovelace in her report dated September 27, 2022, attached. The public comments are also consistent with the Zoning Administrators findings.

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: The consensus of the Zoning Board of Appeals is this condition is met. Reference the unusual or extraordinary circumstances or conditions itemized in the response to Condition No. 1 above. The Zoning Board of Appeals also accepts the findings of Zoning Administrator Lovelace in her report dated September 27, 2022, attached.

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

Response: The non-standard lot, the non-conforming buildings, and the size and topographical features of the lot were not created by the applicant. The Zoning Board of Appeals also accepts the findings of Zoning Administrator Lovelace in her report dated September 27, 2022, attached.

A motion was made by Brianna Fowler and seconded by John Wood to approve the requested dimensional variance requested by Craig Brumley at 13998 Green St. to expand a non-conforming building on a non-standard lot with a front yard setback of 40 ft. where 75 ft. is required. This motion is based upon the findings of the Zoning Board of Appeals for the five factors in Section 40.6 of the Zoning Ordinance and documented above in these minutes. The approved variance is conditioned on compliance with the application and compliance with all other applicable laws and ordinances.

A Roll Call vote was taken by Chairperson Saddler.

John Wood – Yes

Brianna Fowler – Yes

Rich Saddler – Yes

Bill Maschewske – Yes

The motion carried unanimously with one member absent.

Any and All Other Business That May Come Before the Board

Bill Maschewske inquired regarding the latest version of the Rules of Procedure for the Zoning Board of Appeals. Township Attorney Bultje will provide all Zoning Board of Appeals members and the Zoning Administrator with the latest version.

Adjournment

A motion was made by John Wood and seconded by Brianna Fowler to adjourn the Zoning Board of Appeals meeting at 7:39 PM.

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske
Secretary, Robinson Township
Zoning Board of Appeals

Attachments:

1. "Site Plan Review –13998 Green St." from Zoning Administrator Lovelace dated September 27, 2022
2. Sign- In Sheet for Zoning Board of Appeals, October 19, 2022



Fresh Coast Planning

950 Taylor Avenue, Ste 200
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA
616-638-1240
greg@freshcoastplanning.com

Julie Lovelace
616-914-0922
julie@freshcoastplanning.com

Sara Moring-Hilt
588-850-8784
sara@freshcoastplanning.com

Kevin Yoomans
616-821-4969
kevin@freshcoastplanning.com

MEMORANDUM

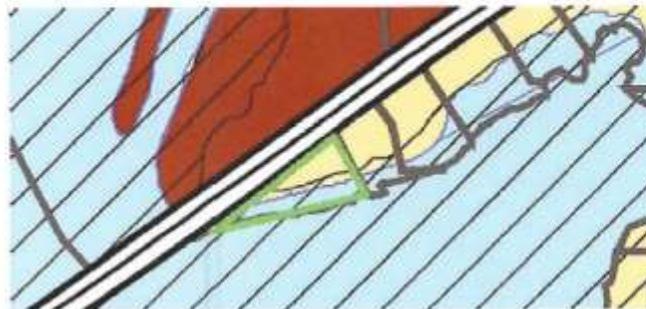
To: Robinson Township Board
From: Julie Lovelace
Date: September 27, 2022
Re: Site Plan Review – 13998 Green St.

The Township has received a request by Craig Brumley to expand his existing dwelling to attach the existing detached garage and expand the existing deck. The subject property is located at 13998 Green Street, parcel #70-08-06-100-039. An aerial view of the property taken from Ottawa County GIS is shown below:



Background and Considerations

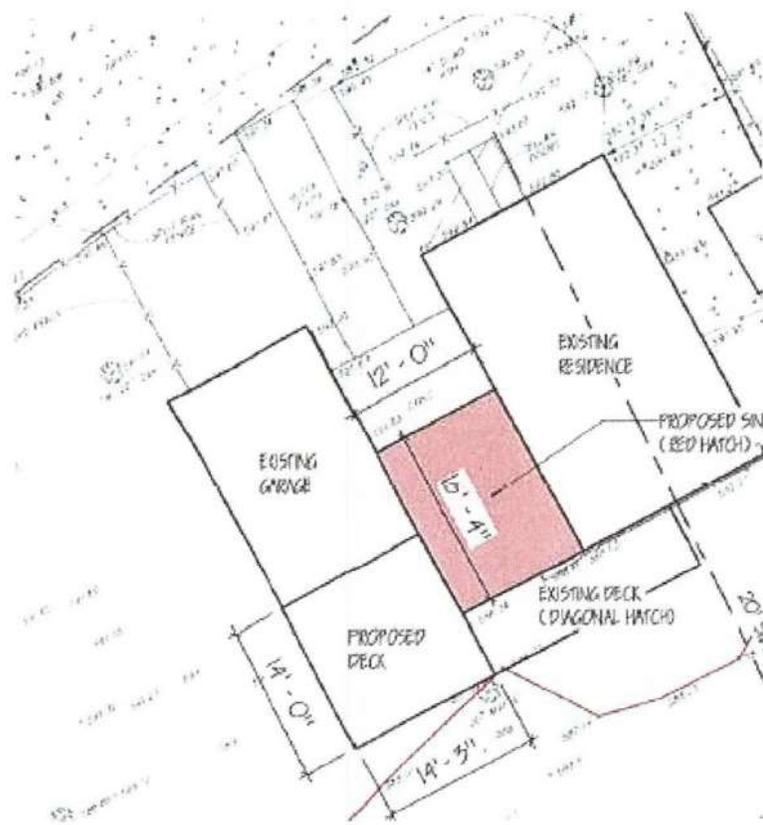
The parcel is zoned One-Family Residential (R-1), with the water side portion in the Lowland Resource Conservation (E-1) zoning district. The parcel is shown on the Zoning Map below outlined in green. The gold color denotes R-1, the crosshatching denotes E-1:



This lot is considered nonstandard. This parcel does meet the minimum area requirement at 39,779 SF. The house was built in 1935. Per Section 4.24(A)(1), if the lot was of legal record prior to November 25, 1988, it must not be less than 99 feet in width throughout its entire minimally-required depth and not less than 127 feet in depth throughout its entire minimally-required width. The width of the lot is given on Ottawa County GIS as 382 feet, which meets the minimum width. The depth of the east lot line on the survey is approximately 150' including the road right of way per Section 3.64; however, the depth is not maintained throughout its minimally required width.

The existing buildings are nonconforming with regard to the setbacks. The dwelling is 11 feet from the east lot line (where 20 foot is required) and approximately 24 feet from the road right of way (front) where 75 foot is required. The garage more than meets the side setback requirement on the west, but is approximately 16 feet from the northwest corner to the road right of way.

Below is the plan for the proposed expansions. Note the expansion does not extend as close the road as the existing building or garage, but only joins the two. Additionally, the deck expansion in the rear yard does not extend farther into the rear yard than the existing deck. Both new and existing deck meet the minimum 25-foot rear yard setback.



Applicable Zoning Ordinance Sections

Section 3.111 Yard, Front

That portion of the yard extending across the full width of the lot or parcel of land, the depth of which is the distance between the front lot line and the nearest building wall of the principal building or structure exceeding thirty (30) inches in height. **In the case of waterfront lots, the yard on the street side shall be the front yard.**

Section 3.64 Lot, Area

The total horizontal area included within lot lines. No area included within a public street right-of-way, alley or within any private easement serving as primary access to a lot or parcel of land may be used in determining compliance with lot area or required yards of this Ordinance, **except for up to but not more than thirty-three (33) feet which may be counted toward the depth only of a lot** (i.e., not toward its width or its required yards). For waterfront property the lot area shall only include property which is above water for more than six months of each calendar year.

Section 30.02 Table of Minimum Lot Sizes and Yards

Zoning District	Minimum Lot Size			Minimum Required Yard, Feet		
	Width	Depth	Area	Front	Sides	Rear
R-1, Residential One-Family	150(b)	250(b)	37,500 SF	75(f)	20(g)	25(h)

(b) The minimum width shall be 250 feet if the minimum depth is equal to or greater than 150 feet but less than 250 feet.

(f) Shall be reduced to 40 for any existing non-standard lot which meets the requirements of Section 4.24(A) of this Ordinance.

(g) Shall be reduced to 15 for any existing non-standard lot which meets the requirements of Section 4.24(A) of this Ordinance; shall be further reduced to 10 for an accessory building located on any lot within the Village of Robinson Plat.

(h) Shall be reduced to 20 for any existing non-standard lot which meets the requirements of Section 4.24(A) of this Ordinance; shall be further reduced to 10 for an accessory building located on any lot within the Village of Robinson Plat.

Section 4.24 Lot, Non-Standard Existing (in part)

Except as provided below, no use shall be conducted upon, nor building or structure erected or enlarged upon, any non-standard lot.

(A) A conforming use, building or structure may be conducted, erected or enlarged, provided that said use, building or structure, or expansion thereto conforms in all other ways to the provisions of this Ordinance, and provided that the non-standard lot was created lawfully under the terms of a prior zoning ordinance and meets either of the following requirements.

(1) If the lot was of legal record prior to November 25, 1988, it must be not less than ninety-nine (99) feet in width throughout its entire minimally-required depth and not less than one hundred twenty-seven (127) feet in depth throughout its entire minimally-required width.

Staff Comment: The parcel does not meet 4.24(A)(1), and is not entitled to reduced setbacks, as the depth is less than 150 feet throughout its minimally-required width of 250 feet. Therefore, we see Section 4.24(B) below.

- (2) The conduction, erection or enlargement of any non-conforming use, building or structure shall be governed by the provisions of Section 4.31.

- (B) If a non-standard lot of legal record was created lawfully under the terms of a prior zoning ordinance but does not meet the requirements of subsection (A) above, then a conforming use, building or structure may be constructed, erected or enlarged provided that the Zoning Administrator has first found that there will be no serious health or safety hazards likely to occur, and that said use, building or structure, or expansion thereto, conforms in all other ways to the provisions of this Zoning Ordinance. The conduction, erection or enlargement of any non-conforming use, building or structure shall be governed by the provisions of Section 4.31.

Staff Comment: The proposed deck expansion does meet the rear setback requirement. Staff finds no serious health or safety hazard likely to occur with regard to the deck. The proposed connection between the house and accessory building does not meet the front setback requirement of 75 feet per Section 30.02. Therefore, regarding the connection/expansion, we refer to Section 4.31 below.

Section 4.31 Non-Conforming Uses, Buildings and Structures (in part)

- X
- (C) EXPANSION. Structures, buildings or uses non-conforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided (1) there is compliance with all height, area and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization and (2) the Township Board shall determine that such alteration will not substantially extend the life of any non-conforming building or structure. Any use of a building or structure which is non-conforming by reason of parking and loading provisions and which is thereafter made conforming or less non-conforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement or change of use which requires greater areas for parking and/or loading space.

Staff Comments: The expansion will not comply with the minimum area (setback) requirements.

Below we provide the conditions that must be met for approval of a dimensional variance. For your convenience, Staff comments are offered in *italics*.

Section 40.6 STANDARDS FOR VARIANCES

The Zoning Board of Appeals may grant a dimension variance or a use variance from the provisions or requirements of this Ordinance, only if the Zoning Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist.

- (A) For a dimension variance, the Zoning Board of Appeals must find that all of the following facts and conditions exist.
 - (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.

Staff comments: Staff finds that there is an exceptional condition regarding the shape of this lot, as it tapers significantly on the west side. Generally, properties maintain their depth across the minimally-required width. If the Zoning Board of Appeals (ZBA) agrees, this standard may be 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.

Staff comments: Staff finds that, where reasonable, it is a property right similar to that possessed by other properties to be able to attach an existing accessory building to an existing dwelling. Staff finds this request reasonable. If the ZBA agrees, and pending public comment, this standard may be 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.

Staff comments: In this case, the proposed addition will sit farther back than the front of both the existing house and accessory building. Additionally, it will not encroach on neighboring properties in any respect. If the ZBA agrees, and pending public comment, this standard may be 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.

Staff comments: Staff finds this request is not general in nature. If the ZBA agrees, this standard may be met.

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

Staff comments: Staff finds the nonstandard lot, and nonconforming buildings, are not the responsibility of the Applicant. If the ZBA agrees, this standard may be met.

Recommendation

Staff finds the above standards may be met. If the ZBA agrees, and there are not substantive public concerns, consider granting this request for a 40-foot front setback.

JL
Planner

