



ROBINSON TOWNSHIP ZONING BOARD OF APPEALS

Ottawa County, Michigan

May 11, 2023

The special meeting of the Robinson Township Zoning Board of Appeals was called to order at 7:02 P.M. at the Robinson Township Hall.

Present:

Rich Saddler
Doug Putnam
Bill Maschewske
Brianna Fowler

Absent:

John Wood

Roll call was taken by signature.

Also present were Zoning Administrator Julie Lovelace and applicants Andrew and Erin Woltjer. There were no members of the public present.

Approval of Agenda

A motion was made by Rich Saddler and seconded by Doug Putnam to approve the agenda as amended to include the Election of Officers following the Public Hearing. The motion carried unanimously with one member absent.

Approval of Minutes

A motion was made by Brianna Fowler and seconded by Bill Maschewske to approve as written the Zoning Board of Appeals minutes from the October 19, 2022 meeting. The motion carried unanimously with one member absent.

Dimensional Variance

A dimensional Variance Request was submitted by Andrew and Erin Woltjer for 12288 Rich St. to construct a garage and additional living space with a 49.5 ft. front yard setback where 75 ft. is required.

A brief introduction to the public hearing was given by Chairperson Saddler and the public hearing was declared open.

A presentation was made by Andrew Woltjer regarding their plan to demolish the existing garage and build a new garage flush with the front of the house. The garage would be a two-story structure attached to the house and would include additional living space and bathroom. It was noted the side yard setback requirement of 25 ft. would be met.

Chairperson Saddler – What was the side yard requirement when the house was built?

Bill Maschewske – The 1949 Zoning Ordinance required 15 ft.

Bill Maschewske – When was the pole barn to the West of the house built?

Andrew Woltjer – Sometime in the 1970's.

The side yard of the existing pole barn was discussed.

Zoning Administrator Lovelace – Noted that the side yard portion of the Variance Request was withdrawn by the applicants, therefore only the front yard variance request was included in the Public Hearing Notice that was published.

There were no other questions or comments from the Planning Commission or applicants and there were no members of the public present.

A motion was made by Doug Putnam and seconded by Brianna Fowler to close the public hearing at 7:20 PM.

The motion carried unanimously with one member absent.

At this time, Chairperson Saddler called for the Dimensional Variance Criteria in Section 40.6 A of the Zoning Ordinance to be reviewed. The Zoning Board of Appeals responses are in italics.

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: As a non-standard existing lot, the lot area is less than is required by the Zoning Ordinance currently. However, the setback of dwelling conforms to the front yard setback requirements when built per the Zoning Ordinance in effect at the time. Due to the size of the lot and the location of other buildings and facilities on the parcel, the Zoning Board of Appeals agrees with the Zoning Administrator findings in her Memorandum dated May 4, 2023, attached, and unanimously (one member absent) finds this condition 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 Zoning Board of Appeals agrees with the findings of the Zoning Administrator in her Memorandum dated May 4, 2023, attached, and unanimously (one member absent) finds this condition 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 agrees with the findings of the Zoning Administrator in her Memorandum dated May 4, 2023 and unanimously (one member absent) finds this condition 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: This is the first known variance request of this nature in the A-1 Zoning District. Additionally, the Zoning Board of Appeals agrees with the findings in the Zoning Administrator Memorandum of May 4, 2023 and unanimously (one member absent) finds this condition is met.

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

Response: The Zoning Board of Appeals agrees with the Zoning Administrator findings in the Memorandum dated May 4, 2023. Additionally, the lot is existing non-standard which results in a smaller lot than would be required under the current zoning ordinance. The conditions created by the existing building were done legally under the Zoning Ordinance in effect at the time the building was constructed. The Zoning Board of Appeals unanimously (one member absent) finds the condition met.

A motion was made by Doug Putnam and seconded by Brianna Fowler to approve the Dimensional Variance request of Andrew and Erin Woltjer at 12288 Rich St. to reduce the front yard setback for the construction of an attached garage and dwelling space from 75 ft. to 49.5 ft. based upon the findings from reviewing the Standards for Variances in Section 40.6 of the Zoning Ordinance as noted above. The approved variance is conditioned on compliance with the application and compliance with all other applicable laws and ordinances.

A roll call vote was requested by Chairperson Saddler.

Brianna Fowler – Yes

Doug Putnam – Yes

Rich Saddler – Yes

Bill Maschewske – Yes

The motion carried unanimously with one member absent.

Election of Officers

As required, the annual election of Zoning Board of Appeals officers was held.

A motion was made by Brianna Fowler and seconded by Rich Saddler to elect Rich Saddler Chairperson, Doug Putnam Vice-Chairperson, and Bill Maschewske Secretary of the Zoning Board of Appeals.

The motion carried unanimously with one member absent.

Adjournment

A motion was made by Brianna Fowler and seconded by Rich Saddler to adjourn the Zoning Board of Appeals meeting at 8:14 PM.

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske
Secretary, Robinson Township
Zoning Board of Appeals

Attachments:

1. Zoning Administrator Lovelace Memorandum dated May 4, 2023 Regarding Dimensional Variance Request for 12288 Rich St.
2. Sign- In Sheet for Zoning Board of Appeals meeting, May 11, 2023.



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MEMORANDUM

To: Robinson Township Zoning Board of Appeals
From: Julie Lovelace *JL*
Date: May 4, 2023
Re: 12288 Rich Street – Dimensional Variance request

In accordance with Section 40.6 of the Robinson Township Zoning Ordinance (RTZO), the Zoning Board of Appeals (ZBA) has received a variance request from Andrew and Erin Woltjer to demolish their existing attached garage and mudroom/utility area and build a slightly larger garage in line with the front of the dwelling. The property is located at 12288 Rich Street and is zoned Agricultural (A-1).

The Woltjers submitted a narrative with their application stating they wish to build a larger garage to make it more useable and then to build a second story onto the garage to expand their home.

Applicable RTZO Sections

Section 4.24 LOT, NON-STANDARD EXISTING.

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 Assessing Department shows the house was built in 1950. The parcel is non-standard in that it does not meet the current dimensional requirements of 250 feet by 330 feet. The parcel dimensions are 150 feet in width by 290.4 feet in depth. Therefore, the parcel meets the minimum standards of the Robinson Township Zoning Ordinance (RTZO) Section 4.24(A)(1) Lot, Non-Standard Existing and the building may be expanded.

Section 4.31 NON-CONFORMING USES, BUILDINGS AND STRUCTURES (in part)

The following are uses of buildings or structures that are considered to be non-conforming.

(B) 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.

Staff Comment: The proposed expansion does not conform to the current minimum front setback (area) requirement.

Section 30.2 TABLE OF MINIMUM LOT SIZES AND YARDS

Zoning District	Minimum Lot Size			Minimum Required Yard, Feet		
	Width	Depth	Area	Front	Sides	Rear
A-1	250'	330'	82,500 SF	75'	25'	25'

Staff Comment: The existing dwelling is 49.5 feet from the road right of way (front) at its east corner. See the attached survey. The Woltjers request a dimensional variance of 25.5 feet from the front setback requirement. That will put the proposed addition in line with the front of the existing dwelling and 49.5 feet from the front lot line. See the attached proposed site plan.

Dimensional Variance Request

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: The Woltjers did consider the fact that they could expand the back of the house to the south for additional bedrooms; however, their septic and drain field are located there preventing expansion. There is an existing pole barn to the west that prevents expansion to the west. Their only choice is to expand northward, eastward, and upward. Staff finds this an exceptional circumstance. If the 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: A standard two-stall garage is 24 feet wide. A 24-foot wide garage may be considered a substantial property right similar to that possessed by other properties in the same zone. Other properties to the west also appear to be closer to the front lot line than 75 feet (approximately 63 feet and 57 feet excluding road right-of-way- see below). Staff finds that a two-stall garage in line with the front of the existing dwelling may be a substantial property right similar to other properties. If the ZBA agrees, 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: Staff does not find that a new garage in line with the front of the house will have any adverse impact on adjacent properties. Again, the two houses to the west also appear to be less than 75 feet from the front lot line. The parcel to the east is owned by MDOT. It does not appear that the request would negatively impact the MDOT property. Pending public comment, and ZBA discussion, 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 in nature as to make reasonably practicable a general regulation for such condition or situation.

Staff comments: Staff does not find this request general or recurrent in nature. As such, this standard may be met.

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

Staff comments: The pole barn on the west side of the house existed prior to the Woltjer's purchase of the property in 2013. The barn prohibits the Applicant from expanding to the west. Additionally, the septic tank location behind the house prohibits the Applicant from expanding to the south. Staff finds that the request may not be a self-created hardship. 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 49.5-foot front setback.

JL
Planner

