

**Schoolcraft Township Zoning Board of Appeals**  
**April 19, 2018**

A meeting of the Schoolcraft Township Zoning Board of Appeals was held on April 19, 2018, at the Schoolcraft Township Hall beginning at approximately 7:20 PM.

**Roll Call**

Board Members Present: John Gardner, Terry Blodgett (Chairman), Charles Bibart, Ray Hocevar

Board Members Absent: Greg Feldmeier, Gary Steensma

Also Present: Brett A. Cummings, Township Attorney; Chris Hamilton, Zoning Administrator.

**March 1, 2018 Meeting**

Mr. Bibart made the motion to approve March 1, 2018 minutes as presented in the packet. It was duly seconded and it passed unanimously as submitted.

**Matter on Appeal – Manish Chauhan Variance Application**  
**(14903 Barton Lake Road, Parcel No. 3914-23-360-590)**

The application of Manish Chauhan 14903 Barton Lake Road, Parcel No. 3914-23-360-590, for a variance from Article 20 for schedule of yard and area requirement for accessory buildings. R-2 requires a 40' front setback and a 10' side setback. The proposal for the accessory building/garage is to move it from the lakeside of the parcel to the parcel that is located on the opposite side of the road. The proposed attached garage will be 15' from the front property and 8' from the left side property line.

The applicant purchased a property across the street for septic matters. The two drain fields required a service drive pursuant to the health department. The drain field is new. The service drive has to be a minimum of 16'. Mr. Bibart inquired whether this is a garage or a barn. The applicant said it's a barn, but it currently exists as a garage and it is being moved across the street. Mr. Gardner asked which garage is being moved. The applicant explained that it is the garage near the street. The barn looks brand new.

Mr. Bibart asked what the slab in the back is for. The applicant explained it is for his pontoon when it is not in the water. Mr. Bibart explained that if you moved the barn back and got rid of the slab you would only need a 1' variance.

Mr. Gardner noted that a foundation is already in, which is putting the cart before the horse a bit. He explained that the current barn is legal non-conforming and moving it is only going to create another non-conforming parcel.

The Chairman asked if there was a permit issued for the foundation where it is. The applicant explained that there was some miscommunication with the contractor (advanced poured wall) and they did the work before a permit was issued. The applicant indicated he had conversations with "Chelsea". Several members of the board inquired who Chelsea was, and the applicant explained she was the contact from the health department.

The Chairman asked if the applicant had a survey done. The applicant explained that he has had a survey and the property staked. The applicant explained that he purchased the property and then tore down the house that was basically condemned. The house was closer to the road than where the applicant wants to put the barn.

Holton

Steve Holter, 14893 N. Barton Lake Drive, commented in support of the applicant and explained that they sold the lot in question to the applicant.

Mr. Bibart inquired why a new drain field was required across the street. The applicant explained that the health department required it.

The Chairman inquired how far the drain field needed to be from the property line. The applicant explained it is 10' from the fence line.

Mr. Hocevar inquired whether the home he is building required a variance. The applicant explained that it did not. There was not enough room on the property for him to build a new drain field. The applicant pumps from the lake lot under the road and across the street. The applicant explained that the lot is roughly 50' by 125'.

Mr. Hocevar explained that he has not seen someone come before this board creating their own hardship like this before. He explained that when you change the garage, it needs a variance. It is no longer "grandfathered". It is self-inflicted.

Ms. Hamilton explained that he can meet the setbacks without a variance. She stated that he can move it back and remove the slab and shift the structure to meet the requirements. He would like a variance, but does not need a variance.

Mr. Gardner asked the applicant to clarify the requirements of the health department. The applicant explained he was told it had to be 16'. Mr. Gardner explained that you could reduce the size of the building and still have the required setbacks. Alternatively, he could remove the slab and move the building to the west.

Ms. Hamilton again explained that he can put the existing garage on that particular parcel and be within zoning. A question remains as to whether it will pass with the health department.

The Chairman explained that it would be easier to tackle this question if they had something in writing from the health department.

Mr. Gardner explained that the barn is currently grandfathered, but by moving it he will lose its grandfather status. He explained that the applicant redid the building in a very

nice fashion and now he wants to move it.

The Chairman explained that the applicant could park his pontoon on the side of the barn instead of the back where the proposed slab is.

Mr. Hocevar inquired whether the applicant could purchase 10' from one of his neighbors to solve the issue. Ms. Hamilton explained that she could not approve a non-conforming split.

The meeting was opened up for public comment. Mr. Holter <sup>Holter</sup> explained the history of the building was originally built to fix cars. Over time, the building was dilapidated. The applicant purchased the property and fixed it up nicely. Mr. Holter had nothing but praise for the applicant and support for his project.

Todd Batts 14789 N. Barton Lake Drive spoke out in favor of the applicant. He expressed his concern for the fact that virtually all lots on the lakes in the Township have difficulty being in compliance with the zoning requirements. He indicated that moving the barn allows them to see the lake from the road. He inquired whether an ordinance existed allowing them to average the current setbacks within so many feet. The Chairman stated that there was no such ordinance here.

Tom Brown 14989 N. Barton Lake Drive spoke in favor of the applicant and described how bad the property was before the applicant purchased it.

Mr. Gardner explained that the biggest challenge he sees is that they chose to renovate the existing barn without bothering to know or understand the ordinances. The applicant explained that he has a mother that he cares for and he has to have a handicap ramp. He was not allowed to connect his home to the garage. He intends to put up a smaller conforming garage that attaches to the house.

The applicant inquired if he were to remove the slab and move the building back, would he have a chance at getting a variance.

Mr. Gardner explained that if he went 40x24, then he would be in compliance and would not need a variance. Ms. Hamilton and the board discussed measurement standards and whether overhangs were counted or not. The applicant believes that the building is actually 24' not 26', and therefore he likely does not need a variance if he repositions the layout.

Mr. Gardner read the letter into the record from Virginia Mongreg <sup>Holly Snow</sup> 14891 Barton Lake Drive.

The public hearing was then closed and Attorney Cummings read the factors the board is to consider pursuant to the Schoolcraft Township Zoning Ordinances. The Chairman explained that the board is usually a 5-member board, but today there is only a 4-member board. He explained that there needed to be 3 yes votes for the variance to pass.

Mr. Gardner summarized the requested project and scope.

**FINDINGS OF FACT:**

**Requirement:**

1. By reason of exceptional narrowness, shallowness, or shape of the property in question, or by reason of topographical conditions or other extraordinary conditions on the property in question, there are practical difficulties preventing compliance with the strict letter of the ordinance.

**Finding:**

The Chairman opined that he has a problem with this. Mr. Bibart commended the applicant on the work that he has done. He indicated that he has problems finding any exception nature to that particular lot. The Chairman explained that Mr. Bibart hit the nail on its head. There was a rollcall vote. Unanimously the board found that the applicant cannot meet this first finding.

**Requirement:**

2. The exceptional or extraordinary conditions applying to the specific property do not apply generally to other properties that are subject to the requirement at issue.

**Finding:**

Mr. Bibart also explained that the other properties have the same requirements and don't have the same issues.

**Requirement:**

3. The variance will not be of substantial detriment to adjoining property.

**Finding:**

**Requirement:**

4. The variance will not materially impair the intent and purpose of this ordinance, or the public health, safety, and welfare.

**Finding:**

**Requirement:**

5. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the requirements at issue.

**Finding:**

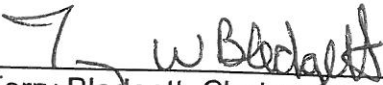
After finding that the first requirement was not met, the Board did not need to make further findings and moved to a motion and vote. A motion to deny the variance was made by Mr. Bibart, duly seconded, and unanimously passed.

The variance was denied. The applicant asked what that meant and whether he could still have a building. The board explained to him he can absolutely still have a building there but that he is not getting his requested setback dimensions.

Ms. Hamilton brought up an issue with the Rowling property where a variance was previously granted. She inquired whether an extension would be possible. She read the applicable zoning ordinance in and discussion was had on having him come before the ZBA in May or June to make his case.

Mr. Hocesvar made a motion to close the meeting. It was duly seconded and unanimously approved. The meeting adjourned at 8:55 P.M.

Approved: \_\_\_\_\_

  
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Terry Blodgett, Chairman  
Zoning Board of Appeals

