

## **Schoolcraft Township Zoning Board of Appeals** **July 6, 2017**

A meeting of the Schoolcraft Township Zoning Board of Appeals was held on July 6, 2017, at the Schoolcraft Township Hall beginning at approximately 7:00 PM.

### **Roll Call**

Board Members Present: John Gardner, Terry Blodgett (Chairman), Greg Feldmeier, Ray Hocevar

Board Members Absent: Gary Steensma

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

### **Minutes of March 9, 2017 Meeting**

Mr. Gardner made the motion to approve March 9, 2016 minutes as presented in the packet. It was duly seconded and it passed unanimously as submitted.

#### **Matter on Appeal – Joseph and Krista Rowell Variance Application (1335 Panama, Parcel No. 3914-03-240-200)**

All present board members have visited the site in advance of the meeting. The applicant stated that most of the houses in the channel are setback 40' or less. His architect has had trouble putting together any plans to fit the building envelope within required 50' setback. The builder stated that the lot is in a flood plain and therefore they cannot put in a basement. There is a high water table in the area. They need to be at 25% or less lot coverage, and they are currently sitting at 21% as planned if the variance is granted. The builder stated that they will be within the ordinances in all other aspects with the exception of the 50' waterfront setback (they are requesting a variance allowing them to be within a 40' setback).

Larry King (not present) sent a letter in stating "In reference to the application of Joseph and Kristen Rowell, 1335 Panama Street, Parcel No.3914-03-240-200 for a variance to reduce the required setback from 50 feet to forty feet for the purpose of building a new home and attached garage on this waterfront lot, I firmly oppose this request." The applicant offered to provide the Board with a petition he obtained containing 12 signatures from the other surrounding properties that are in favor of the variance.

Art Wurfel was present and raised questions about the frontage on the street. He acknowledged the cul-de-sac creates difficulties with the lot building envelope, but said that his concern was with guest parking and additional traffic. The Zoning Administrator stated that the subject parcel is a legal non-conforming lot at this time. It was a properly created subdivision in the 1960's when the subdivision was created. At the time the

subdivision was created, there was only a 25' setback requirement from the lake. Mr. King offered no reason for his objection in his letter. Mr. Wurfel stated that based on his discussions with Mr. King he believed Mr. King opposed this variance because of the concerns with traffic and parking. Mr. Wurfel acknowledged that his concerns were not legitimate concerns to stop someone from building, and further stated that if it's a buildable lot, then he is ok with the Board granting a variance allowing a 40' setback.

Tom Kelly asked when the setback went from 25' to 50'. Supervisor Ulsh thought it was in the 1970s. Mr. Kelly was in favor of the 40' setback.

Jason Krupinski was present and described the lot as a "terrible eyesore." A local marina was using it as a boat launch and there was a lot of boat and vehicle traffic. He was in favor of the variance to raise property values. Mr. Krupinski described the cleanup efforts that the applicants have already taken. There were discussions with the public present about the applicant making a cutout in the property for a boat well to prevent it from protruding into the canal.

Mr. Gardner asked what the square footage on the proposed footprint was. The applicant stated 1450 give or take.

There was a general discussion on the fact that the applicant is meeting all setbacks except the waterfront side.

The Chariman made a motion to close the public hearing. It was duly seconded and approved.

The Chairman described the findings of fact necessary to find in their favor.

Mr. Hocevar asked if the applicant had any sketches or pictures of what the outside of the house might look like. The applicant received one last night but doesn't have it with him and said it will likely change a lot.

The board discussed, and unanimously found:

- 1) There are extraordinary parcel conditions creating practical hardship or difficulty due to the size and shape of the lot along with the flood plain. The lot was created pursuant to a lawful subdivision development when the setback requirements were significantly less than today.
- 2) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary to allow the applicant to build a reasonable sized home similar to the rights the other properties enjoy.
- 3) The special conditions and circumstances described were not self-created or caused by the actions of the applicant.
- 4) Granting the requested easement will be in harmony with the general purpose and intent of the ordinance. The property has sewer and city water so less space is needed than a property requiring a well and septic.
- 5) There will be no detriment to neighboring properties by virtue of the potential 10

foot variance. Many other properties are as close, or closer, to the water. The visual impairment would be minimal. The variance will not have any adverse effect on health and safety of the public at large. The property is on a sewer. Having a structure and well-kept home on this lot will actually improve the health and safety of the public due to the prior condition of the property.

- 6) The variance necessary for use and enjoyment of a substantial property right similar to other properties that are subject to the ordinance. Other properties are closer to the water (20-30') and it fits the neighborhood. The spirit of the ordinance will still be observed, public safety secured, and substantial justice done by granting the variance.

The lot was approved as part of a subdivision back in the 1960s and the other property owners have already built.

The conditions causing the need for the variance was not created by the applicant, they were pre-existing.

The applicants request for a variance was not based solely on costs, nor was increased financial return a consideration for the variance being requested. The applicants simply want to build a comparable house to other houses in the area.

The Board considered whether a lessor variance could be granted; however, the Board found that the variance as requested makes the most sense given the unique circumstances of the lot.

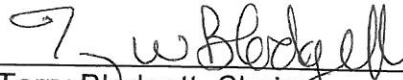
The Board unanimously found each of the unanimous criteria met.

Mr. Hocevar made a motion to approve the variance as requested. It was duly seconded and unanimously approved.

Thereafter, Mr. <sup>Gardner</sup>~~Gardner~~ made a motion to close the meeting. It was duly seconded and unanimously approved.

**The meeting was adjourned at 7:55**

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

  
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Terry Blodgett, Chairman  
Zoning Board of Appeals