

**SCHOOLCRAFT TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF MEETING HELD JULY 9, 2015**

A meeting of the Schoolcraft Township Zoning Board of Appeals was held on July 9, 2015 at the Schoolcraft Township Hall commencing at approximately 7:00 p.m.

Members Present: Terry Blodgett, Chairman
Raymond Hocevar
Gary Steensma
Ken Hovenkamp
John Gardner

Members Absent: none

Also present were Craig A. Rolfe, Township Attorney, and three citizens (Paul and Jody Dawson, and Supervisor Don Ulsh).

MINUTES OF JUNE 4, 2015 MEETING

On motion by Mr. Hovenkamp, supported by Mr. Hocevar, the minutes of the Zoning Board of Appeals meeting on June 4, 2015 were unanimously approved as submitted.

**PAUL DAWSON VARIANCE APPLICATION
(15199 SOUTH BARTON LAKE DRIVE, PARCEL NO. 3914-27-270-390)**

Chairman Blodgett indicated the main item of new business was the request of Paul Dawson for a variance from the 10' principal building minimum side yard setback requirement applicable in the R-1 Medium Density Residential zoning district to construct a proposed 6' x 11' addition to the existing single-family dwelling on the above-referenced property with a proposed side yard setback of 8', and also an 8' x 11' addition to the existing dwelling/attached garage with a proposed side yard setback of 7'.

Mr. Dawson further explained the two proposed additions with reference to the existing dwelling/garage and the project plans shown in the application materials. He stated the proposed 8' x 11' addition to the dwelling/garage would extend the existing dwelling/garage within the presently open area (former dog pen) situated between the existing structures, but within the existing side yard setback of those structures. He stated the proposed 6' x 11' addition would expand the kitchen area and improve the functionality and flow of the access into the house, but once again within the existing side yard setback.

Mr. & Mrs. Dawson presented a written comment/support letter signed by numerous neighbors. Mr. Dawson stated none of his neighbors have indicated any opposition to the proposed project.

The public hearing was open for any other public comments, but there were none so the public hearing was closed. The Township Attorney commented on the significant nonconformity of the subject property with respect to both minimum lot area (about 9,000 square feet) and minimum lot width/frontage (50 feet), compared to the current requirements of 25,000 square feet and 125 feet, respectively, and suggested the severely reduced width of the subject property compared to the current required minimum lot width requirement with which the 10' side yard setback requirement is associated would likely have implications for the requested relief from the side yard setback requirement. He also noted pursuant to the Zoning Administrator's Report that the proposed project did not implicate any relief from the 25% maximum lot coverage requirement.

After brief discussion the Board reviewed the request pursuant to the standards for the granting of any variance as specified in Section 28.9.1 of the Zoning Ordinance, and made various findings with respect to those standards.

With respect to the initial "practical difficulties" standard, Board members concluded the exceptional narrowness and grossly noncompliant area of this legal nonconforming lot clearly created practical difficulties in complying with the strict letter of the presently applicable 10' side yard setback requirement. The members noted both of the proposed additions would line-up with the existing dwelling/garage, and would therefore not further encroach into the required side yard setback area.

On the second standard, Board members found the above-noted exceptional conditions applying to the subject property did not apply generally to other properties throughout the R-1 zone, many of which are conforming lots.

As to the next standard, Board members found the proposed variance relief would not create any substantial detriment to adjoining property, because the reduced side yard setback for the proposed additions would line-up with the existing dwelling/garage, and the plan is fully compliant with all other applicable requirements.

On the next standard, Board members referenced the findings on the previous standards to conclude granting the requested variance would not materially impair either the intent and purpose of the Zoning Ordinance or the public health, safety and welfare.

As to the next standard, Board members found the proposed variance would not create any substantial detriment to adjoining property because the reduced side yard setback is not inconsistent with existing construction on the adjoining lawful nonconforming lots.

As to the last standard, Board members found the requested variance relief was necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the 10' minimum side yard setback requirement at issue, because the existing dwelling with the proposed additions

will still not exceed the 25% maximum lot coverage allowance for a single family dwelling in the R-1 zoning district (approximately 22%).

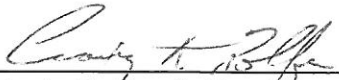
The Board also reviewed the additional legal principles specified in Section 28.9.1 of the Zoning Ordinance and determined none of those principles altered any of their previous findings relating to the variance standards (the conditions justifying the variance relief pertain to the property at issue and not to the personal circumstances of the applicant; the conditions are not self-created; etc.).

As the Dawson variance application involves a proposed expansion of the existing nonconforming building, the Board also evaluated the request pursuant to Section 27.3 of the Zoning Ordinance to determine whether the requested expansion would substantially extend the otherwise reasonably anticipated useful life of the nonconforming building. The Dawson's indicated the existing house was built in the 1950s, was still in good condition, and had passed all inspections when they purchased the property 2-3 years ago. Chairman Blodgett noted the garage had been built more recently than the dwelling itself. Based on this information the Board concluded the applicant had made the required showing that the requested expansion of the existing nonconforming dwelling/garage would not substantially extend the otherwise reasonably anticipated useful life of the existing nonconforming building.

Based on all the foregoing findings and conclusions, Mr. Hovenkamp made a motion to grant the requested side yard setback relief as per the application. This motion was supported by Mr. Steensma and carried unanimously.

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned at approximately 7:30 p.m.

Approved: 12-3-15



Craig A. Rolfe, Acting Secretary
Zoning Board of Appeals