

**SCHOOLCRAFT TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF MEETING HELD NOVEMBER 3, 2016**

A meeting of the Schoolcraft Township Zoning Board of Appeals was held on November 3, 2016 at the Schoolcraft Township Hall commencing at approximately 7:00 p.m.

Members Present: Terry Blodgett, Chairman  
Raymond Hocevar  
Gary Steensma (arrived shortly after beginning of meeting)  
Ken Hovenkamp  
John Gardner

Members Absent: none

Also present were Craig A. Rolfe, Township Attorney; Chris Hamilton, Zoning Administrator; Don Ulsh, Supervisor; and Daryl Johnson and his father, John Johnson.

**MINUTES OF MAY 26, 2016 MEETING**

On motion by Mr. Gardner, supported by Mr. Hocevar, the minutes of the Zoning Board of Appeals meeting on May 26, 2016 were unanimously approved as submitted.

**DARYL JOHNSON VARIANCE APPLICATION**  
**(11510 S. 23<sup>rd</sup> St., parcel no. 3914-01-330-010)**

Chairman Blodgett indicated the item of new business for this meeting was the application of Daryl Johnson for a variance from the provisions of Section 22.1.4.B of the Schoolcraft Township Zoning Ordinance requiring an otherwise permissible accessory building proposed to be located in the front yard of a lot in the RR Rural Residential District to have a setback from the front lot line a distance equal to at least twice the generally applicable minimum front yard setback requirement. The applicant is proposing to build a detached 36' x 48' accessory building (pole barn) with a setback of 57' from the road right-of-way line, instead of a setback of at least 80' as required by this section of the Zoning Ordinance, on the premises at 11510 S. 23<sup>rd</sup> St., Vicksburg, MI (parcel no. 3914-01-330-010).

The members of the Board indicated they had individually viewed the subject property in preparation for this meeting, or were otherwise familiar with the property.

Chairman Blodgett opened the public hearing for comments by the applicant. Mr. Johnson stated the selected front yard location for the proposed accessory building was the only viable location due to wetlands covering a substantial part of the property. He said to comply with the required road setback requirement for a front yard accessory building location (80 feet from right-of-way) the building would have to be approximately half the proposed size, which is already less than he would like to build. He indicated the proposed location is "very tight" relative to the unbuildable aspects of the property, the location of the existing dwelling and driveway, and other site characteristics.

In response to a question from Mr. Blodgett the applicable side yard setback was indicated to be 25 feet. Mr. Blodgett noted the area behind the circular part of the driveway (to the west of the proposed accessory building location) is very low/wet. Mr. Johnson stated the area westerly of the house was also marshy (leading to Gourdneck Creek).

The Zoning Administrator stated the size of the parcel on a diagram creates an impression of ample room for an accessory building, but an actual site inspection discloses that to not be the case at all.

In response to questions from Mr. Blodgett the applicant indicated the well is located behind the house, and the septic system is in front of the house in the area between the house and the road.

Mr. Johnson noted the proposed accessory building cannot be moved further southerly without being located directly in front of the house, as viewed from the street, and thus violating another restriction on a front yard accessory building location.

Mr. Johnson said some areas to the north of the house by the northerly property line are wooded, and he considered the availability of an accessory building site in that area, but concluded that even if various trees in that wooded area are removed there would still not be a sufficient setback-compliant area without completely moving the existing driveway. Mr. Blodgett also stated some of the wooded area was wet.

Mr. Gardner commented there seemed to be no option to place a proposed accessory building on the north side of the driveway without significant tree removal and also substantial fill. Mr. Johnson confirmed that, and said that even if that could be done part of the proposed accessory building would literally sit on the existing driveway.

Mr. Gardner stated that from his perspective there was no feasible location for an accessory building on the subject property other than the site proposed by the applicant.

In response to questions the applicant said the cattails (marsh) start on the north side of the driveway near the beginning of the driveway circle, and then essentially wrap westerly and southerly throughout the property.

In response to a question from Mr. Blodgett regarding the applicable size limit on an attached garage, the Zoning Administrator stated the Zoning Ordinance allows a residential three-car attached garage, but noted the applicant already has a two car attached garage so any extension of the existing attached garage would be limited to another 12 feet or so of width for a third vehicle. The Zoning Administrator also noted if the proposed accessory building was attached to the house the applicable front yard setback requirement would be 40 feet, so no variance would be required, but only to facilitate a considerably smaller building size (and still no detached accessory building).

Mr. Hovenkamp stated the applicant had clearly put in significant time on his proposed plans, and has a "very tight window" due to the characteristics of the subject property.

The Township Attorney confirmed no written comments had been received with respect to this application. It was also noted that no concerns from any neighbors had been expressed to any Township official.

The Township Attorney also noted that based on the size of the subject property the Zoning Ordinance would allow an accessory building with an area of 5,400 square feet, so the accessory building proposed by the applicant with 1,728 square feet is far less than the allowed maximum.

The public hearing was then closed.

The Board then reviewed the variance application pursuant to the standards specified in Section 28.9.1 of the Zoning Ordinance, and made the following findings of fact by consensus:

- Property conditions cause practical difficulties---the wetland conditions of a substantial part of the subject property constitute practical difficulties preventing compliance with the strict letter of the ordinance.
- Conditions not generally applicable---a property of this size (12 acres) with approximately 85% wetlands or otherwise unbuildable is not typical.
- No substantial detriment to adjoining property---the proposed accessory building location is largely not visible from adjoining properties.
- No material impairment of intent/purpose of ordinance or public health/safety/welfare---proposed accessory building location significantly exceeds the setback requirement for the dwelling with an attached garage, and wooded areas further soften the front yard location.
- Substantial property right---there is no viable setback-compliant site for an accessory building on the subject property due to characteristics of the land, and the proposed accessory building is considerably smaller in size than what the Zoning Ordinance would allow to be built on a parcel of this size in the Rural Residential District.

The Board also reviewed the additional legal principles included in Section 28.9.1 to govern a determination as to whether the standards for variance relief had been shown to be satisfied, and determined none of the principles presented any issue here (variance not based on personal circumstances of the applicant, circumstances not self-created, financial considerations not a basis for variance relief).

Mr. Hovenkamp then made a motion to grant the requested variance to allow placement of the proposed detached 36' x 48' accessory building with a front yard setback of 57 feet (from the road right-of-way) as proposed by the applicant. 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 7:40 p.m.

Approved: March 9, 2017

Terry Blodgett  
Terry Blodgett, Chairman  
Zoning Board of Appeals