

**SCHOOLCRAFT TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF MEETING HELD OCTOBER 3, 2013**

A meeting of the Schoolcraft Township Zoning Board of Appeals was held on October 3, 2013 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 3 citizens (Randall & Deb Tien, and Zoning Administrator/Supervisor Don Ulsh).

**MINUTES OF JUNE 13, 2013 MEETING**

On motion by Mr. Hovenkamp, supported by Mr. Hocevar, the minutes of the Zoning Board of Appeals meeting on June 13, 2013 were unanimously approved as submitted.

**RANDALL & DEB TIEN VARIANCE APPLICATION  
(15515 SOUTH BARTON LAKE DRIVE, PARCEL NO. 3914-27-270-082)**

Chairman Blodgett indicated the first item of new business was the request of Randall & Deb Tien for a variance from the 40' principal building minimum front yard setback requirement applicable in the R-1 Medium Density Residential zoning district to construct a proposed 24' x 24' garage attached to the existing single-family dwelling on the above-referenced property with a front yard (road) setback of 20'. Note: during the meeting Mr. Blodgett clarified that although the variance application shows 26' to the road right-of-way from the corner of the proposed new garage, when the distance from that corner to the right-of-way is measured on the shortest line as required by the Zoning Ordinance the proposed setback distance is actually about 20'. The public hearing on this application was opened.

Mrs. Tien explained the existing garage is actually below the level of the road due to the sloping of that part of the property, which makes it more difficult and less safe to back a car out of the garage than at the proposed location for the new garage. Mr. Tien added the sloping in the driveway area to the existing garage is not only downward but also somewhat to the side of the property as well.

In response to a question from Mr. Blodgett Mr. Tien confirmed the existing setback system is located on the northerly side of the dwelling, as shown on the property site sketch accompanying the application, and thus precludes any new construction on that side of the dwelling.

Mr. Tien stated in addition to the distance from the corner of the proposed new garage to the road right-of-way (20' at the closest point), there is about another 24' from the edge of the right-of-way to the existing pavement.

Mr. Blodgett noted the lot generally slopes from the road to the lake, as well as somewhat to the southerly side of the property. The "walkout" area to the rear of the existing dwelling was noted to not be conducive to any addition for a garage on that part of the subject property.

Mr. Blodgett noted the Township had received a written comment from Walter T. Dubbeld, who lives directly across the street from the Tien property, expressing full support for the Tiens' project and the granting of the requested variance. Mrs. Tien provided another letter from the owners of the property directly adjacent on the north side, Dan & Barbara Barry, also expressing support for the Tiens' proposed project. Mr. Steensma said he had personally spoken to another neighbor, who told him he has no objection to the proposed new garage.

The public hearing was closed, when it was apparent there were no further public comments. Before the Board began to discuss the variance request in the context of the standards for the granting of any variance relief, as specified in Section 28.9.1. of the Zoning Ordinance, the Township Attorney noted the subject property is a conforming lot as to lot area, and lot frontage/width at the road, but is slightly nonconforming with respect to frontage/width at the lake. He noted the existing lot coverage from the dwelling/existing garage, combined with the footprint of the proposed new attached garage, would result in a total principal structure lot coverage well within the 25% lot coverage limit in the R-1 zone. He therefore confirmed the only variance issue before the Board was the infringement on the minimum front yard setback requirement.

As to the first required standard in Section 28.9.1., the Board found the requisite "practical difficulties" in complying with the 40' minimum front yard setback requirement arising from the topography of the property, the location of the existing septic system precluding any new construction on the otherwise open northerly side yard area, and also the angle of the placement of the house on the lot compared to the angle of the road (which results in some but not all of the proposed new garage being compliant with the setback requirement). The Board concluded there was no other practical place for this otherwise permissible addition to the dwelling, except perhaps if centered on the front of the house, which would clearly be less desirable aesthetically and with respect to the tie-in to the existing dwelling. Board members also noted any future reserve septic system would almost certainly have to be located in the northerly side yard area/northerly front yard area.

As to the next required standard, the Board found the noted conditions applying to the subject property do not apply generally to other properties in the R-1 zone.

As to the next required standard, the Board found that based on the input from neighbors, and their own observations, the requested variance would be an improvement to adjoining property rather than creating any substantial detriment to same.

As to the next standard, the Board found the requested variance would not materially impair the intent and purpose of the ordinance, or the public health, safety and welfare, as the adjoining street is a low speed/low volume residential street, and the proposed new garage will still have a considerable setback from the travelled portion of the roadway.

Finally, as to the last required standard, the Board observed the applicants were not trying to put "too much building" on the subject property (as evidenced earlier by the Township Attorney's comment about lot coverage), and thus concluded what the applicants were proposing to do was consistent with the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the R-1 zone.

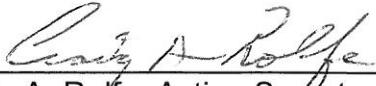
Upon reviewing the remaining content of Section 28.9.1. of the Zoning Ordinance, the Township Attorney advised that none of the legal principles referenced there relating to self-created problems, etc. had any apparent applicability to this variance request.

With respect to the specific setback relief associated with the variance request, Mr. Blodgett noted the measurements discussed by the Board were to the foundation, but the setback requirement is inclusive of any roof overhang. Mr. Tien said he would like to have a 12" roof overhang to be consistent with the existing roofing on the dwelling.

After further discussion Mr. Steensma made a motion to grant front yard setback variance relief to allow the 24' x 24' addition pursuant to the proposed plans, with a 12" roof overhang (front and side). This motion was supported by Mr. Gardner, and carried on a unanimous vote.

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned at approximately 7:35 p.m.

Approved: 6-4-15

  
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Craig A. Rolfe, Acting Secretary  
Zoning Board of Appeals