



ROBINSON TOWNSHIP ZONING BOARD OF APPEALS

Ottawa County, Michigan

August 30, 2023

The special meeting of the Robinson Township Zoning Board of Appeals was called to order at 7:00 P.M. at the Robinson Township Hall.

Present:

Rich Saddler
Doug Putnam
Bill Maschewske
Brianna Fowler
John Wood

Absent:

None

Roll call was taken by signature.

Also present were Zoning Administrator Julie Lovelace, Township Attorney Ron Bultje, and applicant Scott Blackmer. There were no members of the public present other than Mr. Blackmer. The attendance sheet is attached.

Approval of Agenda

A motion was made by Briana Fowler and seconded by Doug Putnam to approve the agenda as written.

The motion carried unanimously.

Approval of Minutes

A motion was made by Doug Putnam and seconded by John Wood to approve as written the Zoning Board of Appeals minutes from the May 11, 2023 meeting.

The motion carried unanimously.

Public Hearing

A dimensional Variance Request was submitted by Scott Blackmer to reduce the front yard setback on an existing non-standard lot.

A brief introduction was given by Chairperson Rich Saddler and the public hearing was declared open. The Chairperson requested the applicant to present his request.

Mr. Blackmer explained that he and his wife purchased a parcel at 13674 Pine Court with an existing dwelling. He is requesting to construct a 24 ft. by 28 ft accessory building on the street side of the house. In order to construct a reasonable size accessory building, he needs a variance from the front yard setback requirement of 40 ft. His existing septic system is in the way of locating the accessory building further from the street.

Bill Maschewske – Noted that without the variance, the widest accessory building allowed would be 11 ft.

Doug Putnam – Which way is the door oriented?

Scott Blackmer – Towards his driveway.

Chairperson Saddler – Were any other alternatives considered?

Scott Blackmer – He has an 18 ft. boat and other items he wishes to store in the accessory building. To move the building further east would require relocating the door with only 24 ft depth of the building. Doing this would still require a variance.

Chairperson Saddler – What about adding on to the existing garage?

Scott Blackmer – The layout of the house is not conducive to this arrangement.

Doug Putnam – Do you have a reserve space for the septic system?

Scott Blackmer – He has reserve space to the east of the existing system. He noted his well is located east of the drive and along his east property line.

Bill Maschewske – Showed Township Plat maps from 1994. The applicant, prior to the public hearing, had inquired regarding if his parcel was included in the Matkovich Subdivision, thereby qualifying him to use the 50 ft. wide parcel on the West side of his property. This property was reserved as common space for Matkovich Subdivision lot owners. The map indicated that the Blackmer parcel was not in the Matkovich Subdivision.

Chairperson Saddler – What were the setbacks when the Matkovich Subdivision was created?

Bill Maschewske – It depends. If the subdivision were created after the adoption of the 1949 Zoning Ordinance, then the setbacks were 40 ft. front yard and 15 ft. side yard. If the subdivision were created prior to the 1949 Zoning Ordinance, then there were no requirements.

Chairperson Saddler – Noted that there were other buildings that appeared less than 40 ft. from the road right-of-way.

There were no more questions or comments.

A motion was made by John Wood and seconded by Briana Fowler to close the public hearing. The motion carried unanimously.

At this time, the criteria for a Dimensional Variance from Section 40.6(A) of the Zoning Ordinance were reviewed. All five criteria must be met in order for the Zoning Board of Appeals to grant a Dimensional Variance. The Zoning Administrator's comments from her Memorandum dated August 3, 2023 are in *italics* for reference. The entire Memorandum from the Zoning Administrator on this topic is attached to these minutes.

- (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.

Response: The consensus of the Zoning Board of Appeals agrees with the Zoning Administrator findings in italics below. Additionally, the Zoning Board of Appeals finds the lot is conforming non-standard created prior to 1988. The criteria are met.

“There is a significant change in grade behind the house occupying approximately one-third of the parcel. This applies to all waterfront properties in the vicinity, but does not apply to all properties within the R-1 zoning district and, therefore, might be considered an exceptional circumstance. If the ZBA agrees, this standard may be met.”

- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

Response: The Zoning Board of Appeals agrees with the findings of the Zoning Administrator included below and unanimously finds the criteria met.

“Many properties within the same zoning district, and some in the near vicinity, have detached accessory buildings. As such, this may be considered a substantial property right. If the ZBA agrees, this standard may be met.”

- (3) Such variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

Response: First, there was no in-person or written citizen opposition to the Variance request. Second, the Zoning Board of Appeals agrees with the findings of the Zoning Administrator, included below, and notes that there are additional accessory buildings within the vicinity that appear to be less than the required 40 ft. from the road right-of-way. The Zoning Board of Appeals unanimously finds the criteria met.

“The 50-foot width lot directly to the west appears vacant on GIS. The parcel directly to the east has two small accessory buildings approximately 27 feet to the front lot line. The next property eastward has one large detached accessory building approximately 40 feet to the front lot line. It does not appear that the proposed building would be of substantial detriment to adjacent properties. Pending public comment, and ZBA discussion, this standard may be met.”

- (4) The condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.

Response: The Zoning Board of Appeals agrees with the findings of the Zoning Administrator with the following changes:

Delete “on waterfront lots” in the first sentence and replace with “with a steep grade and limited area for a septic system”. The Zoning Board of Appeals unanimously finds the criteria met.

“Staff does not find that a general regulation should be adopted to address accessory buildings on waterfront lots in the R-1 zoning district. Each application, and each parcel’s unique conditions, should be reviewed by the ZBA. Additionally, Staff does not find this request recurrent in nature. If the ZBA agrees, this standard may be met.”

- (5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

Response: The Zoning Board of Appeals agrees with the findings of the Zoning Administrator below with the addition of “due to the contours of the lot.” at the end of the second sentence. The Zoning Board of Appeals unanimously finds the criteria met.

“The current house location appears to be as far back from the road as the contours will permit. There is a septic and drain field in the front yard between the house and the proposed accessory building location. Therefore, there does not appear to be a self-created circumstance. Additionally, Zoning Ordinance Section 4.2(D)(2) – Building, Accessory, would permit a detached accessory building up to approximately 1,200 SF for this parcel size. The Applicant requests a building approximately half the size permitted.”

The Zoning Board of Appeals finds that all five criteria have been met.

A motion was made by John Wood and seconded by Briana Fowler to approve the variance request from Scott Blackmer for 13674 Pine Court to change the front yard setback requirement from 40 ft. to 27 ft. for the purpose of constructing an accessory building. Approval is based upon documentation presented by the applicant, both in the application and during the meeting, the

report from the Zoning Administrator, and the findings of the Zoning Board of Appeals recorded in these minutes.

A roll call vote was taken.

Doug Putnam – Yes

John Wood – Yes

Briana Fowler – Yes

Rich Saddler -- Yes

Bill Maschewske – Yes

The motion carried unanimously.

Scott Blackmer – Inquired regarding the time limit for the Variance.

Zoning Administrator Lovelace – Construction must be started within one year.

Any and All Other Business That May Come Before the Board – None

Adjournment

A motion was made by John Wood and seconded by Doug Putnam to adjourn the Zoning Board of Appeals meeting at 8:10 PM.

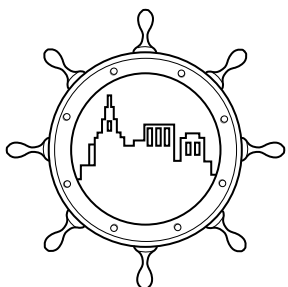
The motion carried unanimously.

Respectfully submitted,

Bill Maschewske
Secretary, Robinson Township
Zoning Board of Appeals

Attachments:

1. Zoning Administrator Lovelace Memorandum dated August 3, 2023 Regarding Dimensional Variance Application for 13674 Pine Court.
2. Sign- In Sheet for Zoning Board of Appeals meeting, August 30, 2023.



Fresh Coast
Planning

MEMORANDUM

To: Robinson Township Zoning Board of Appeals

From: Julie Lovelace

Date: August 3, 2023

Re: 13674 Pine Court – Dimensional Variance Application

The Zoning Board of Appeals (ZBA) has received a request by Scott Blackmer for a dimensional variance to construct a 672 square foot accessory building in the front yard with a front setback of 27 feet where 40 feet is required. Said lands and premises are located at 13674 Pine Court. An aerial view of the property is shown below outlined in blue:



Background and Considerations

The parcel is zoned R-1. The property does currently have an attached garage. The property is a nonstandard lot with dimensions of 100' x 290 feet. The house was built in 1974. There is an approximately 30-foot grade drop from the back of the house to the ordinary high water mark. Nothing could be constructed between the house and water.

Applicable Zoning Ordinance Sections *(Staff comments in italics)*

Section 3.111 YARD, FRONT.

That portion of the yard extending across the full width of the lot or parcel of land, the depth of which is the distance between the front lot line and the nearest building wall of the principal building or structure exceeding thirty (30) inches in height. In the case of waterfront lots, the yard on the street side shall be the front yard.

The front yard of this parcel is the north lot line.

Section 4.24(A) LOT, NON-STANDARD EXISTING. (in part)

(A) A conforming use, building or structure may be conducted, erected or enlarged, provided that said use, building or structure, or expansion thereto conforms in all other ways to the provisions of this Ordinance, and provided that the non-standard lot was created lawfully under the terms of a prior zoning ordinance and meets either of the following requirements.

- (1) If the lot was of legal record prior to November 25, 1988, it must be not less than ninety-nine (99) feet in width throughout its entire minimally-required depth and not less than one hundred twenty-seven (127) feet in depth throughout its entire minimally-required width.

The lot existed prior to 1988 and meets the minimum width/depth requirements of Section 4.24(A)(1). Therefore, it qualifies for reduced setbacks noted in Section 30.2(f) 40-foot front setback and 30.2(g) 15-foot side setback. The proposed location of the accessory building meets the side setback minimum requirement, but not the front.

Dimensional Variance Review Standards

Section 40.6 STANDARDS FOR VARIANCES

The Zoning Board of Appeals may grant a dimension variance or a use variance from the provisions or requirements of this Ordinance, only if the Zoning Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist.

(A) For a dimension variance, the Zoning Board of Appeals must find that all of the following facts and conditions exist.

- (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.

There is a significant change in grade behind the house occupying approximately one-third of the parcel. This applies to all waterfront properties in the vicinity, but does not apply to all properties within the R-1 zoning district and, therefore, might be considered an exceptional circumstance. If the ZBA agrees, this standard may be met.

- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

Many properties within the same zoning district, and some in the near vicinity, have detached accessory buildings. As such, this may be considered a substantial property right. If the ZBA agrees, this standard may be met.

- (3) Such variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

The 50-foot width lot directly to the west appears vacant on GIS. The parcel directly to the east has two small accessory buildings approximately 27 feet to the front lot line. The next property eastward has one large detached accessory building approximately 40 feet to the front lot line.

It does not appear that the proposed building would be of substantial detriment to adjacent properties. Pending public comment, and ZBA discussion, this standard may be met.

- (4) The condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.

Staff does not find that a general regulation should be adopted to address accessory buildings on waterfront lots in the R-1 zoning district. Each application, and each parcel's unique conditions, should be reviewed by the ZBA. Additionally, Staff does not find this request recurrent in nature. If the ZBA agrees, this standard may be met.

(5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

The current house location appears to be as far back from the road as the contours will permit. There is a septic and drain field in the front yard between the house and the proposed accessory building location. Therefore, there does not appear to be a self-created circumstance. Additionally, Zoning Ordinance Section 4.2(D)(2) – Building, Accessory, would permit a detached accessory building up to approximately 1,200 SF for this parcel size. The Applicant requests a building approximately half the size permitted.

Recommendation

Staff finds the above standards may be met. If the ZBA agrees, and there are no substantive public concerns, consider granting this request for a 27-foot front setback where a 40-foot setback is required.

JL

Planner



**SIGN IN SHEET
ZONING BOARD OF APPEALS
AUGUST 30, 2023**

PRINT NAME

SIGNATURE

Scott Blackmer

Scott Blackmer

Lined area for additional signatures and names.