



# ROBINSON TOWNSHIP ZONING BOARD OF APPEALS

Ottawa County, Michigan

April 11, 2024

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  
John Wood

**Absent:**

Briana Fowler

Also present were Township Supervisor Frank Johnson, Zoning Administrator Julie Lovelace, applicant Chris Munroe, Becca Munroe, and John Munroe. No other members of the public were present. The attendance sheet is attached.

Approval of Agenda

A motion was made by John Wood and seconded by Bill Maschewske to approve the agenda as amended by adding the Election of Officers following the conclusion of the public hearing. The motion carried unanimously with one member absent.

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 December 7, 2023 meeting. The motion carried unanimously with one member absent.

Public Hearing

A dimensional Variance Request was submitted by Christopher Munroe for 11785 Pingree St. Variance is requested from Section 30.2, "Tables of Minimum Lot Sizes and Yards" to build a garage that does not meet the minimum required front and side setback requirements.

The Rules of Procedure were reviewed by Chairperson Saddler and the public hearing was declared open.

A presentation of the Variance request was made by Christopher Munroe. He stated the current garage is rotten at the bottom. He wants to tear the existing garage down and construct a new garage that would be attached to the mudroom of the existing house.

The applicant questioned if a side yard setback variance was needed and a discussion followed regarding the definitions of side yard and rear yard. It was verified that variances to both the side and front yard setbacks were necessary as noticed by the Zoning Administrator to construct the proposed attached garage.

Chris Munroe – Noted that when it rains, the runoff from Pingree St. drains into the existing garage. The proposed garage will be elevated and will be on a two- foot foundation.

John Munroe – They will bring in fill and build up the area where the new garage will be constructed.

Doug Putnam – Noted the side setback required is 20 ft. but there are some non-conforming lots that qualify for a 10 ft minimum setback. What does it take to qualify for the 10 ft. setback?

Zoning Administrator Lovelace – Refer to Section 4.24 A and B. She also explained that the non-conforming lot would need to be a minimum of 99 ft. by 127 ft. and it was not.

John Munroe – Noted that because of the lot configuration and size, this would be their only shot at a building.

Doug Putnam – Suggested moving the proposed garage back 2 feet from Pingree St. to get additional front yard setback for vehicle parking and reduce the side yard setback to 10 ft.

Bill Maschewske – How did you arrive at the requested size of the proposed garage?

John Munroe – They wanted a building that was larger yet, however, the cost was a limiting factor and they settled on 30 ft. by 32 ft. He also noted they are measuring setbacks from the existing fence. He did not look for survey stakes.

Bill Maschewske – Inquired why they were requesting a garage larger than the standard 24 ft. by 24 ft. two car garage. It was noted the smaller garage would minimize the amount of variance from the required setbacks.

Chris Munroe – He wants a three-car garage since he has two personal cars plus his work truck.

Bill Maschewske – Noted that if the applicant tears down the existing garage, he would have no detached accessory building except for whatever is behind the house.

Chris Munroe – The temporary building behind the house will be taken down. It is just a temporary place to store the contents of the existing garage.

Rich Saddler – Supports the suggestion of Doug Putnam to move the proposed garage back 2 feet further from the street so that the side yard setback would be 10 ft.

Doug Putnam – Is there a maximum as to how large the garage can be?

Zoning Administrator Lovelace – No, as long as the garage is attached to the house.

Doug Putnam – How will you meet the parking requirement with the garage so close to the street? The Zoning Ordinance requires 2 parking spaces. Does parking in the garage count?

Zoning Administrator Lovelace – Two spaces are required per Chapter 22 of the Zoning Ordinance and the space inside the garage counts.

John Wood – Feels that a condition of approval should be to remove the temporary building after the new garage is occupied.

Rich Saddler – Stated that another condition should be to have a staked survey done on the parcel to ensure that setbacks will comply with the variance, if granted.

Rich Saddler – Is in favor of a 10 ft. side setback instead of 12 ft. This increases the front yard setback by 2 ft.

Doug Putnam – He is in favor of increasing the front setback and reducing the side setback.

A discussion followed regarding to what part of the building the setback is measured. Per Section 3.111, Yard, Front of the Zoning Ordinance, the setback is measured to the building wall.

John Munroe – Stated they are planning on a 1 ft. eave overhang on the new garage.

Rich Saddler – The Zoning Board of Appeals will state a setback from the lot line to the building wall with a maximum of 12 inches roof overhang.

Doug Putnam – Noted that moving the garage location to a 10 ft. side yard setback will also move the ridge line.

Chris Munroe – The ridge line was going to align per the original layout.

A discussion followed regarding possible locations for a service entrance to the proposed garage if it were relocated for the 10 ft. side yard setback.

Rich Saddler – Will the garage be 1 story?

Chris Munroe – Yes, it will have 10 ft. walls.

There were no more questions from the Zoning Board of Appeals.

A motion was made by John Wood and seconded by Doug Putnam to close the public hearing at 8:10 PM.

The motion carried unanimously with one member absent.

At this time the Standards for a Dimensional Variance as found in Section 40.6 of the Zoning Ordinance were reviewed regarding the requested variance. The Zoning Administrator's findings are in italics and the Zoning Board of Appeals findings are in bold.

(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.*

*This lot is approximately 14% of the minimum required lot size. Staff finds this is an extraordinary circumstance. If the ZBA agrees, this standard may be met.*

**The Zoning Board of Appeals agrees with the findings of the Zoning Administrator. In addition, the Zoning Board of Appeals adds that the lot was created as part of the Village of Robinson in approximately 1870. Several additions were made to the lot approximately 25 years ago to reduce the non-conformance. By consensus, Zoning Board of Appeals finds this condition is 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.*

*Staff finds it may be a substantial property right to have a garage. However, the ZBA must determine whether it is a substantial property right to have a 960 SF garage when a standard two-stall garage is 24 feet x 24 feet (576 SF). It is possible to locate a 576 SF garage on this lot with front and rear setbacks of approximately 12 feet. Pending ZBA discussion, this standard may be met.*

**The Zoning Board of Appeals agrees with the findings of the Zoning Administrator that having a 24 ft. by 24 ft. garage is a reasonable property right as is having an accessory building. Because of the irregular dimensions and size of the parcel, an accessory building is not possible without additional variance. As such, the Zoning Board of Appeals is willing to accept a larger attached garage in lieu of any further requests for accessory buildings. The condition is 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.*

*Staff finds the proposed setbacks may not be a detriment to adjacent properties. The setback from the south lot line would be slightly improved. If the ZBA agrees, and pending public comment, this standard may be met.*

**There was no public opposition to the requested variance. The applicant's proposal will improve the existing front yard setback and the east side yard setback. The Zoning Board of Appeals accepts the findings of the Zoning Administrator deleting the word "slightly". The condition is 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 such a request. Each application, and each lot's unique conditions, should be reviewed by the ZBA. Additionally, Staff does not find this request recurrent in nature within the Village of Robinson. If the ZBA agrees, this standard may be met.*

**The Zoning Board of Appeals agrees with the Zoning Administrator findings and further notes the parcel is unique in that it includes a building erected in 1924 prior to the existence of a Zoning Ordinance in the Township. This condition is met.**

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

*Staff does not find the size/shape of the lot, or the existing house location, to be self-created. Pending ZBA discussion, this standard may be met.*

**The Zoning Board of Appeals accepts the Zoning Administrator findings and this condition is met.**

A motion was made by John Wood and seconded by Doug Putnam to approve the Dimensional Variance Request by Christopher Munroe at 11785 Pingree Street to construct a 960 sq. ft. attached garage with a 7.83 foot front setback and a 12 foot North side setback with the following conditions:

1. The temporary structure must be removed when a Certificate of Occupancy is received for the new garage.
2. A staked survey shall be done to verify dimensions on prints.
3. Setback shall be measured from the lot line to the building wall and shall permit a 1 foot overhang.
4. Approval of the size of the requested garage is in lieu of the ability to build a detached accessory building in the future. No future variance for a detached accessory building shall be granted.

5. Approval is based on the documentation of the Zoning Administrator, the application, verbal representations by applicant and the findings of the Zoning Board of Appeals recorded in the minutes.

A roll call vote was taken.

John Wood – Yes

Rich Saddler – Yes

Bill Maschewske – Yes

Doug Putnam – Yes

The motion carried unanimously with one member absent.

#### Election of Officers

A motion was made by John Wood and seconded by Doug Putnam to re-elect the current officers (Rich Saddler Chairperson, Doug Putnam Vice-Chairperson, and Bill Maschewske Secretary).

The motion carried unanimously with one member absent.

#### 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 9:10 PM.

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske  
Secretary, Robinson Township  
Zoning Board of Appeals

#### Attachments:

Sign-In Sheet for Zoning Board of Appeals April 11, 2024.

Zoning Administrator Memorandum Regarding Dimensional Variance Application – 11785  
Pingree St.



**SIGN IN SHEET**  
**Robinson Township**  
**Zoning Board of Appeals Meeting**  
**April 11, 2024 - 7:00 pm**

PRINT NAME

Becca + CJ Munroe

SIGNATURE

*Becca + CJ Munroe*

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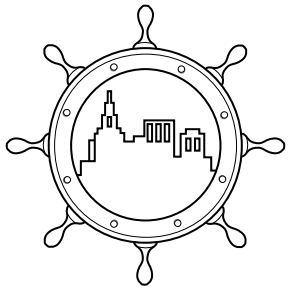
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## Fresh Coast Planning

119 1/2 Washington Avenue, Studio B  
Grand Haven, MI 49417  
www.freshcoastplanning.com

**Gregory L. Ransford, MPA**  
616-638-1240  
greg@freshcoastplanning.com

**Julie Lovelace**  
616-914-0922  
julie@freshcoastplanning.com

**Kevin Yeomans**  
616-821-4969  
kevin@freshcoastplanning.com

**Alexis Sorrell**  
616-773-4638  
alexis@freshcoastplanning.com

# MEMORANDUM

To: Robinson Township Zoning Board of Appeals  
From: Julie Lovelace  
Date: March 28, 2024  
Re: 11785 Pingree Street – Dimensional Variance Application

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Per Section 40.5 *Variances* of the Robinson Township Zoning Ordinance (RTZO), the Zoning Board of Appeals (ZBA) has received a request by Christopher Munroe for a dimensional variance from Section 30.2 of the RTZO *Table of Minimum Lot Sizes and Yards* to construct a 30-foot by 32-foot (960 square foot [SF]) attached garage with a front setback of 7.83 feet where 75 feet is required and a side (north) setback of 12 feet where 20 feet is required in the Rural Residential (RR) zoning district. The property is located at 11785 Pingree Street. An aerial view of the property is shown below outlined in blue:



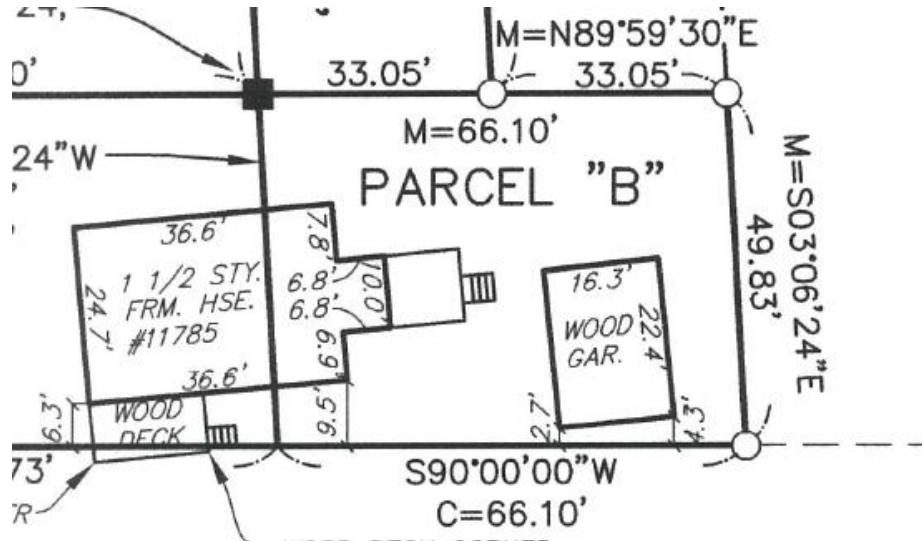
### Background and Considerations

The lot is zoned (RR ) and is located within the Village of Robinson plat. The minimum lot dimension requirement for the RR district is 250 foot width by 330 foot depth (82,500 SF). This lot is non-standard at 66 feet wide by 49.83 feet deep. There is a 75-foot by 33.05 foot extension of the lot on the north side. The overall lot size is 11,504 SF.

The property does currently have a detached garage, which is deteriorating and the Applicant will demolish. The existing garage is 2.7 feet to the south lot line at its closest point. The



new proposed garage would improve the nonconformity by building approximately five feet further from the front (south) lot line. A snapshot of the existing survey is shown below.



As stated above, the property is considered a non-standard lot. The Assessor’s record shows the house was built in 1924. Therefore, per Section 4.24(A)(1) *Lot, Non-Standard Existing*, in order to qualify for reduced setbacks, it must meet the minimum lot dimensions of 99 feet throughout its entire minimally-required depth and not less than 127 feet. This lot does not qualify.

Staff finds that the proposed construction also does not conform to the provisions of the RTZO Section 4.24(B), as the expansion cannot conform to the provisions of the Zoning Ordinance. Furthermore, as this is an attached garage, it does not qualify for reduced side and rear setbacks of 10 feet for *detached* accessory buildings in the Village of Robinson. Therefore, the Applicant requests a dimensional variance. The proposed site plan is attached.

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

**Section 3.3 ACCESSORY BUILDING OR STRUCTURE**

A separate subordinate building or structure, the main use of which is customarily incidental and subordinate to the principal building or structure on the lot or parcel of land in question.

**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.

Staff finds the front lot line is the south line.

**Section 3.112 YARD, REAR**

That portion of the yard, unoccupied except for permitted accessory buildings or structures, extending across the full width of the lot or parcel of land, the depth of which is the distance between the rear lot line and the nearest building wall of the principal building or structure exceeding thirty (30) inches in height.

Staff finds the rear lot line is the line farthest north. All other lines are side lot lines.

**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.

**Section 4.24(B) LOT, NON-STANDARD EXISTING**

(B) If a non-standard lot of legal record was created lawfully under the terms of a prior zoning ordinance but does not meet the requirements of subsection (A) above, then a conforming use, building or structure may be constructed, erected or enlarged provided that the Zoning Administrator has first found that there will be no serious health or safety hazards likely to occur, and that said use, building or structure, or expansion thereto, conforms in all other ways to the provisions of this Zoning Ordinance. The construction, erection or enlargement of any non-conforming use, building or structure shall be governed by the provisions of Section 4.31.

*The lot does not meet the minimum area requirements of Section 4.24(A)(1) above for reduced setbacks per Section 30.2 Table of Minimum Lot Sizes and Yards (f), (g), and (h). The proposed garage also does not “conform in all other ways to the provisions of this Zoning Ordinance” per subsection B above.*

**Section 30.2 TABLE OF MINIMUM LOT SIZES AND YARDS**

RR, Rural Residential

Minimum Lot Size	250 foot width	330 foot depth	82,500 square feet
Front setback: 75 feet	Side setback: 20 feet	Rear setback: 25 feet	

**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.

*This lot is approximately 14% of the minimum required lot size. Staff finds this is an extraordinary 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.

*Staff finds it may be a substantial property right to have a garage. However, the ZBA must determine whether it is a substantial property right to have a 960 SF garage when a standard two-stall garage is 24 feet x 24 feet (576 SF). It is possible to locate a 576 SF garage on this lot with front and rear setbacks of approximately 12 feet. Pending ZBA discussion, 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.

*Staff finds the proposed setbacks may not be a detriment to adjacent properties. The setback from the south lot line would be slightly improved. If the ZBA agrees, and pending public comment, 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 such a request. Each application, and each lot's unique conditions, should be reviewed by the ZBA. Additionally, Staff does not find this request recurrent in nature within the Village of Robinson. 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.

*Staff does not find the size/shape of the lot, or the existing house location, to be self-created. Pending ZBA discussion, this standard may be met.*

### **Recommendation**

As stated above, Staff questions whether the size of the proposed garage is the minimum necessary to grant relief. The Michigan Zoning Enabling Act does state the ZBA may impose conditions to a variance approval. Staff reviewed this application with Attorney Bultje. He agreed that the ZBA may, at their discretion, set a condition of the maximum size of the garage as a condition of approval.

We believe approval of a dimensional variance may be in order. Should the ZBA agree, and in an effort to assist in that regard, we offer the following motion for your consideration:

**Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the dimension variance request by Christopher Munroe at 11785 Pingree Street to construct a \_\_\_\_\_ SF attached garage with a \_\_\_\_\_-foot front setback and a \_\_\_\_\_ foot north side setback.**

This has been scheduled for an April 11, 2024 public hearing. We expect the Applicant to be in attendance.

JL  
Planner