

ZONING BOARD OF APPEALS MEETING

May 26, 2010

MEMBERS PRESENT: Brian Boersma, Kim Arter, Gary Charles, Bob Neis and John McDonnell

MEMBERS ABSENT: None

ALSO PRESENT: Roland Falkowski Alternate ZBA Member, Veronica West Recording Secretary and Petitioner Richard Carlson

PURPOSE: Act on Zoning Variance Request No. 10-02 of Richard Carlson of 709 Buys Rd, Muskegon, MI 49445 for a variance from the strict zoning ordinance to construct a second accessory building for a total of 2560 square feet on a 5 acre parcel rather than the allowable 1600 square feet, contrary to the provisions of Section 3.18.12 of the Laketon Township Zoning Ordinance.

Parcel# 61-09-010-400-0034-00 also know as 709 Buys Rd.

Mr. Brian Boersma opened the public hearing at approximately 6:00 PM.

- The request for a variance was read by Kim Arter and with the attached site plan was entered as Exhibit A.

The following items were introduced and also entered as exhibits:

- Exhibit B – Chronicle notice of ZBA Hearing published Saturday May 15, 2010.
- Exhibit C – List of surrounding property owners within 300 feet notified of the variance request.

It was noted no communications, written or verbal, were received by the Township with regard to this variance request.

Mr. Brian Boersma asked if the members had all been able to visit the site. It was noted that all ZBA members present had been able to visit the property and building site noted in the variance application.

Mr. Boersma asked the petitioner if he had any additional comments to add to their written petition. Mr. Carlson stated that he wishes to construct a new building of 1440 sq ft and then the one existing shed/lean-to will be demolished and removed.

Mr. Boersma asked when the existing buildings were built on the property. Mr. Carlson informed the ZBA members that the existing outbuildings were already there when he bought the property over 30 years ago, he did re-side the one garage at one time to match the home.

Mr. McDonnell noted the applicant currently has two accessory structures which total 1972 square feet, already exceeding the allowable 1600 square feet maximum. He then asked Mr. Carlson the reason for the additional square footage. Mr. Carlson stated that the existing shed/lean-to is too small to park any vehicles in and he intends to store his extra vehicles, a couple of motorcycles, a 4-wheeler and a travel trailer in the building as well as he intends to purchase either a new 5th-wheel trailer or a Class A motorhome. He added he wants to be able to store everything indoors and out of the weather.

Mr. Boersma asked the square footage of the home. Mr. Carlson stated he thinks the home is about 1700 sq ft.

It was noticed that there was an error in calculating the square footage being requested. The new building Mr. Carlson is requesting is 1440 square feet and the existing garage that will remain is 960 square feet, therefore the total being requested in 2400 square feet, not 2560 square feet.

Mr. McDonnell asked Mr. Carlson if there were any reasons beyond storage that he needs the extra square footage. Mr. Carlson stated he wants the space for personal storage and for security, as a neighbor has had vehicles broken into right in his driveway.

Mr. Charles asked if there are any setback issues. Mr. McDonnell read off the minimum requirements for setbacks, which is 25 feet from the side yard and 25 feet from the dwelling. Mr. Carlson's submitted site plan shows a side yard setback of 40 feet.

Mr. Boersma asked if there are any issues with the height of the building. Mr. McDonnell read off the maximum height allowable. It was noted that the ordinance definition states the height of the building is measured at the midpoint between the top of the side walls and the peak. Mr. Carlson's drawings show a height to the peak of 23 feet 6 inches with sidewalls 12 feet high and a 6/12 roof pitch. After some calculations, it was determined the midpoint measurement would be within the maximum allowable 20 feet.

Mr. Neis asked if there are any regulations requiring the home square footage to be more than the outbuilding square footage. Mr. McDonnell could find no such regulations.

Mr. McDonnell asked Mr. Carlson if there would be any commercial repair work done in the building. Mr. Carlson stated no commercial work would be done.

Mr. Boersma asked if there would be any other type of commercial activity done in the building. Mr. Carlson stated there would be no commercial activities.

Mr. McDonnell moved to close the public portion of the meeting. Mrs. Arter supported the motion. The motion carried by voice vote and the public portion of the meeting closed at approximately 6:18 pm.

Mr. Neis moved to approve the Mr. Carlson's request as presented in his petition, with the following conditions; the new building is to be constructed in the exact location noted on the submitted site plan drawing and as currently staked on the property, the new building is to be sided with materials matching the existing home and garage, the old shed/lean-to structure (22' x 46' = 1012 sq ft) shall be torn down and all debris removed, and the combined square footage of the existing accessory structure and the new accessory structure shall not exceed 2400 square feet.

Findings of Fact:

- The existing accessory buildings total 1972 square feet, which is over the allowable amount of 1600 square feet by 372 square feet. Mr. Carlson purchased the property in this condition over 30 years ago.
- The proposed location of the requested building is such that it would not be highly visible from Buys Road.
- The existing shed/lean-to building is to be torn down and removed.
- The property is located in an R-3, Single Family Residential District, which allows minimum lot sizes of $\frac{3}{4}$ of an acre where no sewer is available and 12,000 square feet where sewer is available.

Mr. Charles supported the motion.

Mr. McDonnell commented that the reason for Mr. Carlson's request is a self-created hardship of having too many things to store in his existing accessory buildings. Mr. McDonnell added he sees no reason the property cannot be used as the ordinance outlines, however he can understand that Mr. Carlson purchased the property with existing accessory structures and would feel comfortable allowing him to build a new structure and remove one of the old structures, but with no more than the current 1972 square feet.

A roll call vote was taken on the motion made by Mr. Neis and supported by Mr. Charles.

Voting in favor of the motion: Mr. Boersma, Mr. Neis, Mrs. Arter and Mr. Charles

Voting in opposition of the motion: Mr. McDonnell.

The motion passed.

Other business:

Approval of Meeting Minutes of ZBA Variance Hearing 10-01 of 04/14/2010. Mrs. Kim Arter moved to approve the minutes as presented. Mr. John McDonnell supported the motion. The motion carried by voice vote.

There were several minutes of discussion regarding the topic of self-created hardships and granting variances. Several comments were that it was felt getting items stored inside is more aesthetically pleasing than items outdoors but several other comments that it is still a self created situation to own so many things that the allowable storage is not adequate. One member commented that just because more storage space is granted, doesn't mean someone won't accumulate more things and still have items stored outdoors. It was commented that training seminars have really concentrated on the self-created hardship issue. Mr. McDonnell provided educational handouts specifically addressing Zoning Boards of Appeal and Variance procedures.

Mrs. Arter moved to adjourn the meeting. Mr. McDonnell supported the motion. The motion carried.

The meeting adjourned at 6:35 PM

Submitted by: Veronica West, Recording Secretary