

MINUTES OF THE SCHOOLCRAFT TOWNSHIP ZONING BOARD OF APPEALS

MEETING ON OCTOBER 15, 2020

A meeting of the Zoning Board of Appeals of Schoolcraft Township was held on October 15, 2020, at the Schoolcraft Township Hall, 50 East "VW" Avenue, Vicksburg, Michigan.

Members Present: Terry Blodgett, Ray Hocevar, Jake Westendorp, and John Gardner.

Members Absent: Greg Feldmeier and Gary Steensma

Also Present: Applicants, Matthew and Catherine Pinto, Zoning Administrator, Chris Hamilton; Township Attorney, Leslie Dickinson.

Chairman Blodgett called the meeting to order at 7:00 p.m.

Review and Approval of Minutes

A Motion by Comm. Blodgett was made to approve the minutes of the September 17, 2020 meeting, supported by Comm. Hocevar. Motion carried 4-0-2.

Public Hearing on Matthew and Catherine Pinto, 15182 S. Barton Lake Rd., 9' foot variance request from the 40' Setback Requirement.

Chairman Blodgett opened the public hearing and stated that the Zoning Administrator, Chris Hamilton provided the Board with an update report after meeting with the applicants and mapping out the setbacks. To construct the addition to the Pinto's property they are requesting a 9 foot variance. This would make the set-back to the addition at 30' feet instead of the 40' required.

Comm. Blodgett commented that it is not normal for homes to have a road in through the back yard requiring set-backs to comport with like at the Pinto's property.

Zoning Administrator, Chris Hamilton provided an overview of the meeting with the applicants at their property and the set-back measurements taken. Zoning Administrator Hamilton stated that the house sits at an angle and therefore the setback to the corner of the addition will be 31' feet requiring a 9'foot variance. Additionally Hamilton mentioned that the applicants were not involved in the building or design of the home originally.

A motion was made by Comm. Gardner, supported by Comm. Westendorp to close the public hearing, Motion carried 4-0-2.

Public Comment

None.

Board Consideration

Township Attorney Dickinson read and explained the variance standards located in the Schoolcraft Township Zoning Ordinance as section 28.9. The Board discussed the standards:

Standards 1 & 2. By reason of the exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of the Ordinance. The exceptional or extraordinary conditions applying to the specific property do not apply generally to other properties that are subject to the requirement at issue.

The board discussed that this is not a typical lot with a second road in the rear of the property, and that other residents don't face similar setback issues with their parcels. Additionally Comm. Hocevar mentioned that the set-backs typically apply to corner lots and not lots with a second road in the rear of the property.

Standards 3 & 4. The variance will not be of substantial detriment to adjoining property. The variance will not materially impair the intent and purpose of this ordinance, or the public health, safety and welfare.

Comm. Hocevar stated that allowing this variance would not be a deterrent to other owners especially since the private road in the back is low in traffic.

Standard 5. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the requirement at issue.

Comm. Gardner stated that this is not a large home and the applicants are asking to build modest addition which would allow the applicants necessary enjoyment of their property.

Additionally the Board found that the conditions requiring the variance were not self-created and that granting the variance would not result in a large financial gain for the applicants. Comm. Blodgett stated that he does not see another reasonable place for the addition that wouldn't require a variance, nor does he feel that a smaller variance would accomplish the same goals.

Comm. Hocevar made a motion to approve the 9' foot variance request based on the reasons stated on the record, seconded by Comm. Gardner. Motion carried 4-0-2.

Adjournment

There being no other business a motion to adjourn the meeting was made by Comm. Westendorp, seconded by Comm. Hocevar. Motion carried 4-0-2.

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Date: 12-3-20

Signed: 