

**Courtland Township
Zoning Board of Appeals
Wed., June 12, 2019 @ 7 PM
Courtland Township Hall**

The regular meeting of the Courtland Township Zoning Board of Appeals was called to order by Chairman Bassett @ 7:00 p.m. Members present were Bassett, Bergeron, McIntyre, Simon and Nelson. Attendance of others is attached.

Approval of Agenda: The agenda was approved by a motion made by Nelson, supported by McIntyre, as written. All members voting yes. Motion carried.

Minutes – May 8, 2019 Motion made by McIntyre, supported by Bergeron, to approve the May 8, 2019 meeting minutes as written. All members voting yes, Motion carried.

Public Comment: None

**Variance Request – Kelly Anderson, Owner/Bouma Bldrs.
8558 Brower Lake Dr., Release from 5.04 District Regulations, Front & Side
Yard Setback, Lot Coverage & 2.01 B Existing lots of record.
(Non-conforming lot)**

Builder, Brandon Bouma, was present along with the owner. He mentioned they wanted to tear down the house there because it needs a lot of work and basically build a house adequately sized for Kelly's needs and value to make the lot worthwhile with a new home, they are requesting 6 ft. from the south, 10 ft. from the north, and 5 ft. from both sides to the drip line (overhang). The garage is 18 ft. from the property line and no variance is necessary. They would maintain the 44 ft. setback from the house walls to the lake but will have a 12 ft wide deck that is closer to the lake, but felt it was in line with neighboring homes to the lake setback distances. The new house will have a two-car garage and will fit in nice with the neighborhood., one story, so not too tall to block views of the lake. The house would be 20 ft. tall off the driveway and 30 ft. tall on the lake level side. It is 1,200 sq. ft walkout with a finished basement.

Public hearing was opened by Chairman Bassett @ 7:05 pm.

Public comment: Kelly Dixon, 8566 Brower Lake Dr., Directly North of the home being built, she does not want tension between new neighbors, and does not know what the process is, but is concerned with the request for a variance. The setback to the side is too close to their home. Questioned the reason for the variance, the loss of property value could be an issue. Her deck right now is 42 ft. from the water and feels the proposed 12 ft. deck for the new home would impede on their views. She stated her homes meets all setbacks as required. Her neighbor to the North of her, Patricia Castiglione, 8582 Brower Lake Dr., also stated to her that she was required to meet the 40 ft. setback to the lake and could only have a 2 ft. wide deck to meet the setback.

Tracie Koopman, 8552 Brower Lake Dr., stated her dad sold that lot.

Bill Dykstra, 8618 Brower Lake Dr., The lot is very small, skinny, but feels the 10 ft. setback for the property to the North is very important in case of a fire emergency. He feels 40 ft. from the lake is standard and 18 ft. shown for the setback from the road and to fit a full-size pickup truck should be at least 22 ft.

Bill Cutler, 8530 Brower Lake, suggested what modification could be made to the proposed home so that a variance would not be required and then this would become a non-event. It is important to not build a big house on a small lot or build something more non-conforming than what is already there. The side yard is important for safety reasons to get down to the residence and lake. He suggested he come back with a better plan or make the setbacks work without a variance.

A text message from Patricia Castiglione, 8582 Brower Lake Dr., was read by Colleen Brown, Zoning Admin. from Kelly Dixon's cell phone stating her opposition to the proposed site plan compared to what she was required to maintain the 40 ft. setback from the lake and could only have a two feet wide deck. She was also concerned she did not receive a notice for the meeting. Zoning Admin., Colleen, did talk to her earlier that day and explained it was a twp. error and apologized.

Public hearing was closed by Chairman Bassett @ 8:25 pm.

Discussion was held with the builder and the property owner for options to consider for a lesser variance, or no variance. Mr. Bouma talked about moving the house closer to roadside lot line, which allows an extra 2 ft. without a variance and shorten the house size by 2 ft. and then a setback to the front yard, lake side would not be necessary as well. The home to the south side yard lot line is further away and not as much of an issue. He wants to keep the house on one floor to allow for aging in place and not have to struggle with stairs, that is the thought process. Member Nelson stated she was struggling with the depth to the lake. Both areas are tricky with the lakes, being so close, it is important to keep the harmony in the lake environment.

Chairman Bassett asked if there were any amendments to the variance the applicant wished to make before the board proceeded with the concerns raised from this meeting. Applicant decided to try to work with what they have proposed for now. They would be happy to scoot the home two feet further back from the lake side by making the home 2 ft. closer to the road where there is wiggle room to do that, if that helps. They would prefer not to post pone a decision at this time.

Chairman Bassett read the five standards of review for consideration as follows:

Standard #1 – McIntyre & Bassett felt the standard was met because strict compliance would make you have to have a 20 ft. wide house, which would be more like a trailer.

Standard #2 – McIntyre, Bergeron, and Bassett agree the standard was met. The improvement would not significantly change the character of the area, in fact would be an improvement. The house to the North is almost on their property line as well. Property to the South would not be affecting that.

Standard #3 – Practical difficulty was not created by the applicant: Bassett stated that was a hard one to decide. She bought the lot knowing what the issue would be. Member Nelson stated everyone always wants more, and especially around the lakes, you must live within the constraints. Chairman Bassett disagreed. He feels if a person starts to build without a permit and do need a variance, that is when they created their own difficulty. There is no difficulty created when they are just asking for relief.

Standard #4 – Chairman Bassett, Simon, Bergeron, McIntyre, Nelson agree that this standard is met because of the physical situation of the land deemed to be extra ordinary with the exceptional narrowness, shape of the property and the topographic lay of the land.

Standard #5 – Lesser Variance option than applied for: Members further discussed alternative setbacks. Nelson felt the setback to the lake should be adhered to, maybe the deck should be cut back and the side yard setbacks need to be addressed, the house to the North is very close to the fence between them and concerned for safety reasons being so close.

Chairman Bassett made a motion, supported by Bergeron, to table deciding tonight until the applicant can provide an updated proposal taking into consideration the concerns heard from the meeting tonight. Bassett, yes; Simon, no; Nelson, yes; McIntyre, no; Bergeron, yes. Motion carried.

Planning Commission Report – Nelson reported public hearing was held for the proposed 184unit storage facility @ 5800 14 Mile Rd. The commission recommended approval to the Township Bd. for the Special Land Use and Site Plan. They will also be discussing the possibility of updated the Master Plan.

Township Board Report – McIntyre reported the Township discussed the future of Cedar Springs Parks & Rec. being profitable and sustainable. The board approved an additional payment of \$4,000 towards the 2019-2020 year in hopes during that time improvements to the structure can be made or the group may be dissolved. Further discussion was held on the trails around the disc golf course and improvements to the township park area with a new pavilion and fireplace.

Adjournment – Meeting adjourned @ 9:15 pm by a motion made by McIntyre, supported by Bergeron. Motion carried.

Respectfully submitted,

Colleen Brown

Colleen Brown, Recording Secretary
& Zoning Administrator