

Courtland Township

Zoning Board of Appeals

Wed, February 08, 2023 @ 7:00 PM

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 Brandon Bassett, Brandon Simon, Larry Pfeifer, Michele Mojzuk, Charles Porter. Members absent: None Also, present was Zoning Admin, Colleen Brown and various others in the audience.

Approval of Agenda: Simon motion to approve agenda as written. Seconded by Pfeifer. All in favor. Motion carries.

Minutes: Porter motion to approve minutes as written. Seconded by Mojzuk. All in favor. Motion carries.

Public Comment: No public comments unrelated to this request.

Chairman Bassett opened public Hearing opened at 7:02pm and invited the applicant to explain their request.

Variance Request: 7240 Harbor Dr NE, Rockford, MI Sec 27. Variance Request: A release from Sec. 5.04 District Regulations, and Section 2.10 Non-Conforming lots of record or any other applicable provisions of the Zoning Ordinance if deemed pertinent to the request.

Applicant notes that they want to get all 3 vehicles into a garage citing a break in last year. They want to put a garage with master suite above. Applicant has lived there most of his life. He wants to move the deck supports out ~2-3 feet into solid ground as the existing support for the deck above is crumbling.

Evan Elenbaas 7228 Harbor Drive. Brother in law of Ronald Woltjer, who had written a letter to the board summarized the letter to the board. Evan notes, from the letter, that he is concerned with the setback variances proposed by the applicant. He believes they should abide by the standards set forth by the zoning ordinance.

Evan continues to read from the letter: "in conclusion, the applicants have not submitted sufficient evidence to show that all five of the standards of review have been met." He then notes that the board has the ability to approve the variance with a lesser setback. He reiterates that he wishes the applicants well and only wishes to have the applicants abide by the setbacks.

Mary VanWingerden at 7228 Harbor Drive. Mary handed out hard copies of her statement and photos. Mary noted that she shares ownership of 7228 Harbor Drive. Mary notes that much of their enjoyment at their cottage occurs out of doors and includes the view of the lake. She notes the footprint of their cottage has remained unchanged for 50 years. She supports their hope for a bigger and updated space. Her opposition to the project is based solely on noncompliance with the ordinance. She notes that all property owners should be able to rely on the property owners to abide by the ordinances.

Mary references section 2.07 Projections Into Yard. She notes that a wooden stairway was added while they were not at the cottage and that it was done without a permit. She requests that if the upper deck is remodeled that the stairs be brought into compliance. She asks that the board deny the request for the setbacks as drawn and thanks the board for their time. She notes that they value the applicants as neighbors.

Nick Grutter 7254 Harbor Drive. He notes that their family has been in that house for 70 years. He notes that there are many residences along their street with smaller setbacks than 10 feet. He notes that he thinks improvement in the neighborhood would be great but also wants to make sure that Mary is happy.

Dave Nofsinger 7244 Harbor Drive. He has no issues with the proposal as currently drawn. He would love for them to be able to have the new space.

Mike Gates 9430 Myers Lake Ave. He notes that he used to run a landscaping company and has worked on many of the properties in the vicinity. He believes that this is a good project and notes that he appreciates that they are showing the setbacks to their eaves / gutter and supports the project.

Applicant (husband) notes that he does not want to have to tear the house down and re-build to get into conformance. They are trying to keep improvements to the roadside with the exception of the deck, which simply needs a better footing. Applicant notes that he did put the stairs in during covid and thought at the time he only had to be 2 feet from the property line. He made it as tight to the house as he could at the time.

Applicant (wife) requested a spare copy of the letters that were submitted for public comment. She notes again that the stairs that were installed were replacing old dangerous stairs that ran along the other side of the house.

Evan Elenbaas spoke again and noted that the applicant did tell him he was doing stairs and he responded that he did not know the applicable public codes at that time.

Dennis Pospiech at 7276 Harbor Drive called at 11:47a today and has no problem with the addition.

Public Hearing closed at 7:28pm.

Board Member Comments:

Simon asked if the 7' side yard setback should read 7' side yard setback variance. Board discussed and agreed that the deck would be the closest to the side lot line and being over 8" in height they would project into the side yard and would be governed by ordinance Section 2.07.

Board asked if the applicant was planning to re-deck the stairs leading to the lake as well. Applicant noted that they would. The deck stairs leading to the lake is already included in the variance request.

Bassett noted that we could include the side yard steps into our motion if we so choose.

Mojzuk asked why they put the stairs on the side where they are currently placed. The applicant noted that this was the easiest route as there is already a path along that side.

Bassett asks why the 3-stall garage instead of a 2 stall. Applicant noted that they need storage badly and this addition will take the place of their current shed. Applicant notes that the garage is the minimum he needs to get 3 cars into the garage.

Bassett notes that there is an existing structure which was built before the current ordinance. He asks why they didn't continue the existing building edge for the proposed edges of the new garage. He asks if the applicant would be willing to align the garage with the existing home structure which would bring it down to 23 feet.

Bassett notes that we have to determine if there is a substantial cost associated with not granting a variance. He asked if there was a cost associated with leaving the current deck as is. Applicant notes that the current deck sits on a wall and would require an excavator to come in and pull the wall out and reform the wall as a new base which would be substantial cost. Bassett asks if this specific property presents something unique that would drive the price up. Owners notes that his property size would because there isn't access around the building. Owners notes that the deck is unsafe is it currently stands. Bassett notes that the request maximizes the height and lot coverage.

Standards of review:

1. Pfeifer doesn't believe that there is added expense. Simon noted that he doesn't believe that there would be a significant or unjustified expense compared to any other house on the lake when looking at a deck repair. Bassett noted that he does not believe that strict compliance would prevent improvement. Colleen reiterated that there would likely still be a variance even if we extended the existing building wall lines towards the road. Pfeifer and Brandon Simon have noted that they do not believe that standard one has been met. Porter notes that he agrees.
2. Simon notes that item two would be met. Mojzuk agrees. Porter agrees. Pfeifer notes that he does not believe that the deck meets the criteria.
3. Simon notes that the side yard setbacks are being based on a deck that was built out of compliance and thus the difficulty was created as a result of action taken by the applicant. Pfeifer and Mojzuk agree. Applicant spoke and noted that the stairs were put in to address a failing wall and replace poor existing deck. Colleen notes that the office didn't find out about the stairs until they were constructed. The stair construction was noted by the neighbors who alerted Colleen who in turn alerted the compliance officer to check the stairs. Charles Porter believes that this standard has been met.
4. Mojzuk, Brandon Simon, Pfeifer, and Porter agree that this has been met.
5. Pfeifer and Brandon Simon noted that he doesn't believe this is the minimum necessary. Mojzuk agreed. Brandon Bassett noted that we are very critical of the deck obstructing the views of the lake. Applicant noted that he believes that they could likely get by with a 10' deck but does believe that he is going to incur an unnecessary expense by having to construct in a way inconsistent with his plan. Bassett notes that he has a big challenge with number 5 in that this property already extends closer to the lake than both neighbors and wonders why they are asking for more of an extension given the fact that they are already much closer than neighboring lots. Pfeifer notes that the deck blocking the view is one of the worst that he's seen on the lake.

Pfeifer wants the board to consider leaving the garage as proposed which requires a 2'-4" setback on the northeast corner, the deck on the west side would remain and require a 7' variance, the deck in the front yard / lake side should not be expanded any closer to the lake and projecting 9' off the building would require a 13' variance.

The board discussed and noted that the entry door on the west building wall would dictate the side setback for the building itself as it is 7'-7" off the property line and would require a 2'-5" setback instead of the 2'-4" setback noted above.

The board then re-read the standards of review.

1. Porter, Simon, Mojzuk, Pfeifer all yes. Bassett no.
2. Porter, Simon, Mojzuk, Pfeifer all yes. Supported.
3. Porter, Simon, Mojzuk, Pfeifer, Bassett all yes.
4. Porter, Simon, Mojzuk, Pfeifer, Bassett all yes.
5. Porter, Simon, Mojzuk, Pfeifer all yes. Bassett no.

Bassett asks if there is a motion.

Simon makes a motion to approve the site plan as drawn with the exception being the proposed lake facing deck cannot extend closer to the lake than the existing deck, which is 9 feet from the face of the building. Seconded by Pfeifer. Support from Porter, Simon, Mojzuk, Pfeifer. Bassett dissents. The motions carries 4-1.

Planning Commission Report: Planning commission held an open house for the master plan update. Roughly 50 people showed up. Next meeting is the 21st. During planning commission report the board had some discussion with the neighbors from 7228 Harbor St who were present at the meeting. The neighbors did not agree with the approval as granted and the board.

Township Board Report: Porter noted that there was a report from Kent Conservation District pertaining to the property on 10-mile road. He noted that they approved a proposal from Plummers Disposal for clean-up and disposal in June he believes. They also approved a shred day for April 22nd 9-12 noon, allowing residents to bring papers to shred. They approved an audit approval for a \$6,300 bid for 3 years. There is a special meeting next Monday to work on the budget. New budget takes effect April 1st.

Adjournment: Mojzuk makes a motion to adjourn. Seconded by Bassett. All in favor. Meeting adjourned at 9:07pm.

Respectfully submitted, Brandon Simon, Secretary