**Courtland Township**

**Zoning Board of Appeals**

**Wed, March 06, 2024 @ 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, Charles Porter. Members absent: Michele Mojzuk

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

**Minutes:** Pfeifer motion to approve minutes from Feb 7, 2024. Seconded by Porter. All approve. Motion carries.

**Public Comment:** No public comment. No e-mails or phone calls.

**Variance Request**: Jeffrey & Lisa Peterson – 8887 & 8890 Je Ne Be Dr. NE, Rockford, MI, Sec. 34
A release from Sec. 50.04 Front (Lake Side), Side Yard, and Rear Yard setbacks, District Regulations and Section 2.01 B.2, Existing Lots of Record, and any other applicable provisions of the Zoning Ordinance if deemed pertinent.

Mathison/Mathison Architects (MMA) representative spoke and noted that the family has owned this lot for a number of years. The lot is a very small lot and the goal is to demolish the existing home and replace with a new home. The variance is requested to allow to build a reasonably sized home compared to others in the area. They are requesting a side yard set back on the west side that would align more or less with the cottage that is there today. To the north they are asking for 8’ of relief towards the road.

MMA noted that they do not want to push the garage back to the north / off the property line as it would cause excessive grading on the site. Neighbors have noted that they do not want the garage to be too close to cause congestion on the road.

MMA noted that the designs are not totally fixed at this point when referencing the renderings. They note that that the grading west of the garage will help provide some extra sight distance around the road to the west.

Public comment for the property started at 7:20 pm.

Shawn Mahoney 8882 Je-Ne-Be (just east). Shawn notes that his concern is a deviation from what we currently have in the neighborhood, and he will be looking at the back of a garage all the time. He is concerned with decreasing the property value with this structure. Shawn noted that moving the garage this close to the road would set a precedent. He noted that many other structures on the north side of the road are set back further than the proposed garage.

Jo-anne Mahoney 8882 Je-Ne-Be (just east). There are concerns that there will be items stacked around the back of the garage for storage etc. She notes that this project will be an eye sore from their property. She noted that they had to comply with the setbacks when they built their home.

Jackie Shields 8910 Je-Ne-Be. They have had many close calls getting hit in vehicles many times. They are concerned about the structure being too close to the road.

Gordon Jendritz 8881 Je-Ne-Be next door. Gordon asked what the yellow tape line was along the water’s edge. He wanted to confirm that the structure would be complying with the 40’ front yard set-back to the lake.

Applicant asked if it would be less concerning to neighbors to build the garage on the back lots east west and not a two-story structure. The east west building would be lots 8890 and 8894.

Jo-anne Mahoney noted that she has large concerns with the sight lines and visuals created by the proposed garages.

Colleen noted that Theodore Platt called inquiring about the project and thought it sounded fine once Colleen explained the setbacks that were being requested.

Jo-anne noted that she would prefer the garage to be closer to the center of the properties. Her biggest concern is the re-sale value of their home.

Board Member Comments:

Simon asked if motions should be written for both properties as a whole or individual properties. Decided that individual properties would make more sense.

Porter asked if the drive the garage would be paved in any situation. Close to the road or pushed back.

Simon asked what the floor-to-floor height is. 11’-2” is the floor-to-floor and the retaining wall is roughly 10’. Simon asked if there was a concrete wall or what the plan was for the retaining wall. Noted that there are concerns with the retaining wall extending into the right of way. Simon noted that he has large concerns with the walls and doesn’t believe those would be permittable as they extend into the road right of way.

Question was asked if there was precedent set for this already elsewhere in the neighborhood. Simon noted that we should consider this as its own merit and that we shouldn’t approve structures into the right of way. Noted that we could, if wanted, require Kent County Road Commission to review a driveway permit.

Simon asked if the deck was higher than 8 inches above grade. Owner noted the existing retaining walls will be removed and replaced in the same location. Bassett asked if the new deck, being replaced, becomes part of the structure as it’s being replaced. As the structure is being replaced it triggers the need for a front yard variance in this case. The old walls likely existed as a grandfathered condition.

Simon noted that the applicant should consider the sanitary easement to make sure that they were ok placing footings along the east wall partially into the easement or consider a zero-lot line footing on that edge. It was discussed by the board whether it was appropriate to consider the patio at this time and it was discussed that we could grant a variance for the patio during this meeting if deemed acceptable.

5 Minute Recess at 8:04 pm. Meeting resumed at 8:09 pm.

Bassett read the 5 standards of review.

Standards of review:

1. Simon noted that the house on the south property seemed reasonable but does not believe that strict compliance on the garage parcel would prevent improvement to the property. Pfeifer noted that he agrees with this standard on the house side and not the garage. Bassett agreed that he believes this is met for the residence but not the garage.
2. All board members noted that this has been met by the house but not by the garage as it doesn’t line up with the setbacks established on the north side of the road.
3. Pfeifer, Simon and Porter agree that the house meets this but not the garage. Bassett notes that he believes both structures meet this standard.
4. Simon, Pfeifer noted that this is a yes for both house and garage. Porter noted this is a no on the garage and yes for the house. Bassett noted that this is a no for the garage as well. After discussion Pfeifer noted that he agrees with Bassett on this.
5. Simon noted that he agrees that the house meets this requirement but does not believe that the garage variance satisfies this condition. Pfeifer agreed that the house request is reasonable but not the garage side. Porter agrees. Bassett agreed.

ZBA board indicated to the applicant that there is not currently support for the motion and asked if the applicant would like to revise their drawings and re-submit or if we should vote on this tonight.

MMA noted that they believe that the changes are consequential enough that they think the request should be tabled and come back next month.

Pfeifer makes a motion to table. Supported by Porter.

All approve. Motion carries. Project will be addressed at the next meeting.

**Planning Commission Report:** Colleen noted that the master plan has been posted online for public view and the draft was adopted by the Twp. Board. It will be available for the next 60 days. New housing proposed on Courtland Drive (25-30 new homes) as a site condo. Eastbrook homes will develop here.

**Township Board Report:** Porter noted that the master plan draft was approved. A special land use was approved on Northland Drive for senior living up to 20 residents. A sewer lift station was approved on Brower Lake. It was noted that the ongoing soccer field project was tabled at the last meeting. The township hired patrols from Kent County Sherrif, and he came to give an update on the response times.

**Adjournment:** Pfiefer motion to adjourn. Porter seconded. All in favor. Meeting adjourned at 8:34 pm.

Respectfully submitted, Brandon Simon, Secretary