

GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS – SPECIAL MEETING

Township Board Room - 8555 Kalamazoo Ave. S.E. Caledonia, MI 49316

Draft Agenda

7:00 p.m. – Wednesday July 14th, 2021

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of May 12th, 2021 – Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. 1449 92nd Street SE (Agricultural/Agri-Business)**
Dimensional variance to reduce side setback from 20 to 4 feet to allow for construction of a new 600 square-foot accessory building on a single parcel.
- VI. General Discussion Items**
- VII. Other Reports**
- VIII. Adjournment**

*Please note that advertised public hearings will not start before the noted time, but may start later due to the length of other agenda items. All interested persons are invited to attend and participate. Persons with disabilities needing accommodation for effective participation in the meeting should contact the Township Office at 616-698-6640 one week in advance to request mobility, visual, hearing or other assistance.

Gaines Charter Township

Zoning Board of Appeals Memo

Meeting Date: July 14th, 2021

AGENDA ITEM: V.1

REQUEST: Dimensional Variance

ADDRESS: 1449 92nd Street SE

PARCEL NUMBER: 41-22-20-400-005

APPLICANT: Timothy Olthouse

FILE NUMBER: 210429TO

PROPERTY ZONING DISTRICT: Agricultural-Agri-Business

PROPERTY SIZE: 2.24 acres

REPORT BY: Dan Wells, Community Development Director

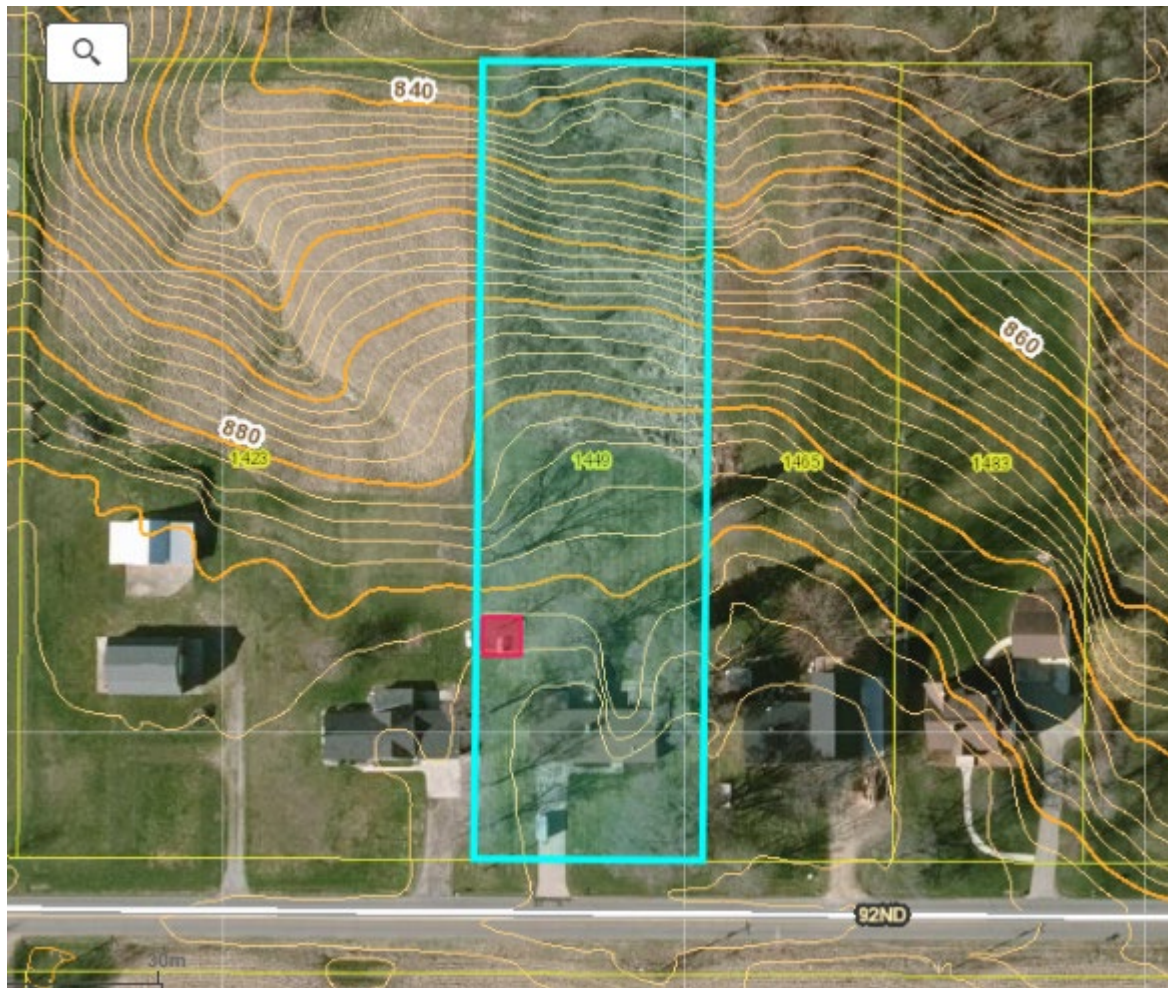


OVERVIEW

The applicant requests a dimensional side-setback variance to construct a 24' x 25' x 9' (600 square foot) accessory building for personal vehicle storage on a developed residential parcel in the Agricultural/Agri-Business (A-B) Zoning District.

Side setbacks for accessory buildings greater than 200 square feet in the A-B district are set at twenty feet under the ordinance, and the applicant requests that the side setback for the proposed accessory building be approved at four feet. This represents a reduction of the setback by sixteen feet.

The applicant requests to locate the accessory building in this location due to limited level ground at the rear of the house. The parcel is steeply sloped to the north of his house, and a gully restricts placement towards the middle of the property. Significant foundation shoring would be necessary to construct the building at other locations. A second consideration is by placing the building as far west on the parcel as possible, the applicant will preserve views to the northward across lowland fields and woods in that direction, which the applicant believes adds aesthetic and monetary value to the home. The applicant has discussed the placement of the accessory building with his neighbors, O'Connors to the west and Verduins to the east, and both have no objections to the proposed location (see attached correspondence).



The surrounding zoning is:

	NORTH: Agricultural/Agri-Business (Fields and woods)	
WEST: Agricultural/Agri-Business (Residence)	SUBJECT PARCEL	EAST: Agricultural/Agri-Business (Residence)
	SOUTH: Agricultural/Agri-Business (Crops)	

STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of Section 26.8 (D) of the Zoning Ordinance with consideration to the dimensional requirements of Section 7.3 in the Agricultural/Agri-Business Zoning District. The Zoning Board of Appeals must find that all standards in this report are satisfied to grant a variance.

- 1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.**

Meets standard; The applicant is asking the ZBA to reduce the setbacks for an accessory building that is yet to be built, but would be typical for this zoning district. The reduction of side setback is necessary based on physical limitations of the property. As planned, the accessory building is set as far back from the property boundary as it is feasible to build without significant expenses to shore the foundation, and without affecting views to the north from the applicants' and neighboring properties.

It may also be considered that at 600 square feet and 13 feet high, the proposed pole barn is a quarter the size of what would be allowed by-right (2,400 SF) and much lower than the 20 feet allowed by-right if it were able to be placed within the permitted setbacks. The applicant is only requesting what is necessary for their needs rather than requesting to maximize the building size.

- 2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.**

Meets standard; The construction of the new accessory building in its proposed location will not cause any injurious or detrimental conditions to the surrounding properties. The main impact of an accessory building at this location would be a visual impact to surrounding properties, but it is located in a place that minimizes impact to the applicants and neighbors' views.

- 3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.**

Meets standard; The accessory building location as currently planned does fit in with the established pattern of construction in this area. Lots in this area are generally several acres, and two nearby properties have similar accessory buildings. Pole barns are generally accepted building forms in agricultural areas of the township.

4. Whether the variance will impair the intent or purpose of this Ordinance.

Meets standard; The intent and purpose of Section 5.4 of the ordinance is to promote consistent rules for placement of buildings and structures within the agricultural zoning districts, and to buffer the building from surrounding property. In this specific location, the accessory building is close to the neighboring lot line, but far enough away from the home that it doesn't crowd it.

5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.

Meets standard; The accessory building location is limited due to the steep slopes found on the site rather than the applicants desire to place it at this location.

6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.

Meets standard; Nearly all new buildings within the township are designed to fall within the building envelope as defined by setbacks. This parcel is located in a hilly area of the township and the slopes are unique to the parcel, and restrict the area that a typical accessory building can be reasonably built.

7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner.

Meets standard; The applicant has designed the accessory building to rest on the only reasonably developable portion of the parcel. The majority of the parcel exhibits slopes that cannot be reasonably built on.

8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity.

Meets standard; Property rights and enjoyment thereof—in this case development of an accessory building typical of the area—are limited by the steep slopes, and it can only be developed in a reasonable manner by reducing the side setback. In addition, the proposed location of the accessory building will preserve the viewshed to the north that adds aesthetic value to the property.

9. As specified above, the ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

Meets standard; The hill slopes on the parcel present practical difficulties in locating an accessory building typical for the area that would fit into current setback requirements without significant berming and shoring of the foundation. The proposed accessory building has been located within parcel to minimize extension into the typically required setback, and retains a buffer to other surrounding to a reasonable extent.

STAFF RECOMMENDATION

Since all of the conditions and standards for variances are determined to be met, approval of the application is recommended with no conditions.