

**WATERVLIET CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MEETING AND PUBLIC HEARING MINUTES
MAY 11, 2022**

Site Address: 8303 Terrace Ave.

Property #: 11-21-2220-0261-00-4

Applicant: Steve and Linda Patton

Request: The lot currently has a small legal non-conforming accessory structure located on it. The Pattons would like to raze the existing structure and replace it with a 1,188 square foot accessory structure that is proposed to be 50 feet wide by 34' deep overall. The proposed design would bring the south wall of the structure to within 19 feet from the north right-of-way line of Lake Ave. at its closest point; the west side of the structure would be 14 feet from the east right-of-way line of Terrace Ave. at its closest point; and, the east side of the structure would come to within 6 feet of the property's east lot line at its closest point. The north side of the proposed structure meets the required side yard setback for this district.

Watervliet Charter Township's Zoning Ordinance No. 77, Section 5.12 - Schedule of District Regulations: Yard, Height and Lot Size Requirements for Principal and Accessory Uses mandates a required front yard in this district of 35 feet and a required side yard of 10 feet. Therefore, a variance of 16 feet from Lake Ave.; a variance of 21 feet from Terrace Ave.; and a 4 foot variance from the property's east lot line would have to be granted for this structure to be built as proposed.

Present: Carl Spessard, Mark Vander Linden, Stephen Myers, Robert Wallace, Thys Van Hout.

Also Present: Steve Patton, Doug Somers, William Pater

Chairman Spessard called the meeting to order at 2:00 p.m.

The minutes of the September 22, 2021 meeting were read. S. Myers made a motion to approve the minutes as read. M. Vander Linden seconded and the motion carried unanimously.

C. Spessard made a motion to close out of regular session and enter into the scheduled public hearing. R. Wallace seconded and the motion carried.

The hearing opened at 2:03 p.m.

Zoning Administrator R. Lohr read the details of the requested variances after which Chairman Spessard recognized S. Patton and requested he address the issue. Patton presented a 24"x 36" illustration of the proposed project and graphically illustrated where all of the proposed setbacks were. He also produced an illustration showing that with all of the required setbacks, per the zoning ordinance, there would be no buildable area left for any accessory structure. He noted that the proposed structure would be 1,188 square feet in area, would be 10 feet from the existing home to the east and, with a proposed 6 foot side yard setback from the southeast property line, would be a total of 16 feet from the garage fronting on Lake Ave. to the east. He added that the reason for the 6' setback was to accommodate a stair case that would serve the upstairs part of the structure.

T. Van Hout inquired if any of the footprint of the existing garage on the property would be used for this structure. Patton said that none of it would as the proposed garage would be more centered on the parcels to open the line of sight for the intersection of Lake Ave. and Terrace Ave. and to try and make the structure more visually appealing. S. Myers noted that the current garage is fronting on Lake Ave. and inquired as to why the 6 foot was needed. Patton said the current garage is situated very close, if not on, the east lot line. Patton added that the structure could be moved closer to Terrace Ave. but added that he did not wish to do that citing the reasons noted previously. Myers did state that the 20 foot distance had utilitarian value needed for fire safety. Myers inquired if a second story was planned for the structure. Patton said that it would and would only be used for sleeping purposes for over flow guests.

Chairman Spessard then recognized W. Pater who stated he was in opposition to the project noting that the structure is oversized and would cause undue congestion to the neighborhood. Reading from the Zoning Ordinance, Pater stated that the structure is not an accessory structure but would constitute a Carriage House. It was noted that the Township does permit overflow sleeping accommodations within accessory structures so long as they do not contain cooking facilities which would constitute a separate living unit. Pater added that there is already an accessory structure on the property that is legal non-conforming and could be repaired. He also noted that lot 261 is buildable and a structure could meet all of the setback requirements.

Pater read the 4 points from the Zoning Ordinance that would have to be met to justify the issuance of a variance and stated that the project could not meet any of them. He continued that Patton created the hardship by choosing a large design, there were no special circumstances peculiar to the land or structure involved which are not applicable to other lands, structures or buildings in the same district; noting everyone in the area is subject to the same small lots and tight spaces. He added that granting a variance, in this instance, would be giving Patton a special privilege denied by the ordinance to other lands. Pater concluded that the structure would not be harmonious with the Zoning Ordinance or to the surrounding lands and, as such, the variance request should be denied.

M. Vander Linden noted that when the Todd garage - the contiguous accessory structure to the east - was considered for a variance, they asked for 15 feet from Lake Ave. and, at the time, off road parking was a consideration. Vander Linden added that the south side of the proposed structure fronts on the same Lake Ave. and yet a setback of only 14 feet is being requested. Patton said that, if need be, it could be moved back a foot.

At 2:32 C. Spessard made a motion to close out of the public hearing portion of the meeting and reenter regular session. T. Van Hout seconded and the motion carried unanimously.

Back in regular session, R. Wallace noted that with the Todd variance request the consideration was with relief, "Because if you live in Michigan you need a garage." If the variances were not granted, they would have no garage at all. He noted that S. Patton already has a garage attached to the residence and now he wants another structure. Wallace stated; "I honestly don't think there's a hardship."

S. Myers reiterated that fact that there is already a garage on the property. Patton replied that the garage is only about 22'x 24' and there is no room for storage.

M. Vander Linden inquired about Pater's disagreement with the request and asked where was the location of the Pater house and will it block his view? Pater said that his house was across the street and two houses down and that, no, it would not block his view.

Vander Linden then asked if lot 261 was part of the original purchase. Patton said it was. Vander Linden did note that if the structure were pulled back to 15 feet, in line with the Todd garage and moved the staircase on the east side of the structure he would be more inclined to vote in favor of it.

At this time, C. Spessard made a motion to approve granting the variance as requested. S. Myers seconded. A roll call vote resulted as follows: M. Vander Linden, nay; T. Van Hout, nay; R. Wallace, nay; S. Myers, nay; C. Spessard, yea. Motion failed.

With there being no further business before the Board, S. Myers motioned to adjourn. T. Van Hout seconded and the motion carried.

The meeting was adjourned at 2:54 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Lohr", followed by a horizontal line extending to the right.

Robert Lohr
Zoning Administrator