

**Courtland Township
Zoning Board of Appeals
Wed., July 11, 2018 @ 7 PM
Courtland Township Hall**

The regular meeting of the Courtland Township Zoning Board of Appeals was called to order by Vice Chairman Nelson @ 7:00 p.m. Members present were Bassett, McIntyre, Nelson, Alt. N. Brown, and new member Brandon Simon. Excused for absence was Bergeron. Koenig has resigned for employment purposes. Also present was Township Supervisor Krygier & Zoning Admin. Brown. Attendance of others is attached.

Approval of Agenda: The agenda was approved by a motion made by McIntyre, supported by Brown, with the addition of 3.5. Election of Officers added to the agenda for tonight's meeting. All members voting yes. Motion carried.

Election of Officers: Due to the resignation of Chairman Koenig, the opening for Chairman and possibly Vice-Chairman is created. Vice Chairman opened the floor for nominations for Chairman. Motion was made by McIntyre, supported by Brown, to nominate Brandon Bassett for Chairman. Motion was made by Simon, supported by Nelson, to nominate Katie Nelson as Chairman. Show of hands vote was taken for Chairman: Two for Brandon Bassett, three for Katie Nelson. Katie Nelson was awarded Chairman. All members voting yes. Motion carried.

Vice-Chairman – McIntyre nominated, Simon supported, Brandon Bassett for Vice-Chairman. Also McIntyre said she would be interested to be Vice-Chairman if she was allowed to with being a representative of the Township Board on the ZBA.

Motion to table action to find out if Kimberly McIntyre would be eligible for the Vice-Chairman position as well was made by McIntyre, supported by Bassett. All members in favor voting yes. Motion carried.

Minutes – June 13, 2018 Motion made by McIntyre, supported by Brown, to approve the June 13, 2018 meeting minutes with the change that Bassett was absent. All members voting yes, Motion carried.

Public Comment: None

Variance Request – Damon, 8580 Brower Lake Dr., Sec. 34, New Residence, Release from 5.04 District Regulations, Front & Rear Yard Setback, Lot Coverage and Sec. 2.01 Existing Lots of Record

Applicant, Mr. & Mrs. Paul Damon, were present. Revised survey was presented for consideration that the side yard setbacks of a minimum of 10 ft. are met now. Also the required setback for the front yard is 40 ft. They have changed the proposal to be a setback of 26'11" ft. from Big Brower Lake, for a 13'11" ft. variance request. They feel that is keeping in line with neighbor's setback to the lake, which was requested at the June 13, 2018 meeting. The neighbor's seawall goes out to the lake

probably 4 – 6 ft. farther out from the lake than theirs. The rear yard requires a 16 ft. setback to Brower Lake Dr. They are requesting a new setback of 5 ft. to Brower Lake Dr., for a 11 ft. variance request. They still currently have all three parcels they own for sale. They would like the option to build on the lake lot that is currently vacant. The compensating factor is the road way actually runs more to the North on their current residence parcel and not where the designated easement area is identified on the map, which allows them to have an increased setback to the edge of the road as compared to the setback to their lot line. See revised proposed setback plan on file.

Further discussion by the public was opened by Vice Chairman Nelson @ 7:20 pm

Dan Dixon, 8566 Brower Lake Dr., questioned the height above the ground for the existing deck on the Damon's property. He feels it is greater than 8' above ground. He feels the ordinances are in place so that everyone builds new and renovates their homes are going with the same set back as required with 40 ft. setback in the front yard. (Lake side) If the ordinance is not enforced, it is a waste of time, in his opinion, then to have an ordinance. The setbacks for driveways is also an issue. He feels it is important to be consistent with all the neighbor's setbacks so that that they would have continuity.

Trish Cutler, 8530 Brower Lake Dr., Her concern is that even though the setbacks requested are non-conforming the house could be as high as three stories, and that to her was the difference and just looking at a 4 ft. deck to a 10 ft. deck from the lake. A new home would have a greater presence.

Trish Castiglione, 8582 Brower Lake Dr., stated when they approach the board to build closer to the lake and add on a larger deck area would they be allowed the same thing? They asked the Damon's do they plan to have a deck added to the front of the home? Mr. Damon stated they only plan to have a landing area off the second story so the setback of 21 ft. could turn into a 19 ft. setback from the lake with the deck.

A letter from Bill & Bonnie Dykstra, 8618 Brower Lake Dr., dated 7/7/18 was read and placed on file for consideration.

The Damon's were considering if they should table the request again for further consideration on what setbacks to propose.

Kelly Dixon, 8566 Brower Lake Rd., questioned the setback proposed and through the setbacks to the lake do not line up. She feels their site distance will be blocked and the value of their home would be affected. It loses the beauty of the lake and it staggering creates the beauty as well. Mr. Dixon further stated, Rockford has a pretty big draw of people to the area and all types of requests are heard by the board. He feels they need to have a little more of a hard line on the requests and keep a somewhat tight hold to the setbacks required in the future, even though there is already some variances out there.

Page 3, 7/11/18 ZBA Mtg.

Member Brown stated the concern is also where the lift pump is located for the sewer hookup.

Dawn Damon, 8585 Brower Lake Dr., noted the entire lake does not have good parking setbacks situations.

Bill Cutler, 8530 Brower Lake Dr., gave the background information on how in 1975 the east side of the lake was able to abandon the park area by Quit Claim Deed, but in 1994 the rest of the lake front owners, 51 lots and 40 some property owners, had to petition the circuit court to have the park area along the lake abandoned. It was a lengthy difficult task to accomplish, but it was in the best interest that they all own to the lake and have deeds that read they had riparian lake rights to the center of the lake, otherwise, they were not considered lake front lots.

Member Nelson questioned if they plan to build this home as a retirement home or what they plan to do with the home if approved at this site? Mr. Damon stated they do not have plans to build there or not. They want to be able to advertise the lot as a buildable lot. They are still exploring all their options though as well.

Trish Cutler, 8530 Brower Lake Dr., questioned if the lake side is the most crucial consideration or are the Damon's looking for the parking setback to the road as being most important? Further discussion on possible setbacks were considered for both the front and rear yard.

Public discussion was closed by Chairman Nelson @ 8 pm.

The five standards of review were read by Chairman Nelson and discussion was opened amongst the board members. Member McIntyre calculated the building envelope area that would be available if the setbacks were all met. They could have 756 sq. ft. foot print for the main level with a 5 ft. setback from the SW corner of the rear yard and all other setbacks for the front and side yard met as per the Zoning Ordinance. Member Brown acknowledges the parking around the lakes are bad also some of the elevations makes it really tight to build on the lake. Member Nelson felt because they do not have definite plans on what they want to do with the lots she is finding it more difficult to determine what is a fair decision for everyone.

Standards of Review findings were heard as follows:

Standard #1 – McIntyre stated she felt that with just the one variance for the SW corner, this standard could be met, rather than with the request being as originally proposed for front & rear yard setback variance.

Standard #2 – Bassett stated this is a tough one, it is the same as with standard #1. It is important for the neighbors to maintain their visual space as well.

Standard #3 – Members stated he purchase the property as a lot.

Standard #4 – a. Yes is met with exceptional narrowness shape of the lot.

b. Yes is met has exceptional topographic conditions.

- c. Yes is met because it is a non-conforming lot. Most lots on the lake are unique in shape, size, topographical as well for the extenuating circumstances.
- d. Taken into consideration adjacent effect on neighboring properties.

Standard #5 - Mr. & Mrs. Damon are agreeable on a variance that is lesser variance than applied for which will fit the objective of what we are trying to approve that is in greater compliance.

Motion was made by McIntyre, supported by Bassett, to approve of the variance request for Damon, 8580 Brower Lake Dr., Parcel ID #41-07-34-327-148, with a 40 ft. setback from the lake, a 16 ft. setback NW corner to the lot line and a 10 ft. variance on the SW corner for the rear yard for a setback of 6 ft. to the lot line, per the attached signed & dated site plan. The building envelope would be 20 ft x 37'.833". No further discussion was held on the motion. All members voting yes. Motion carried.

Planning Commission Report – Nelson stated, No meeting for June, 2018. Next scheduled meeting to be July 17th to discuss Short Term Rentals.

Township Board Report – McIntyre reported the Township Board held a ribbon cutting ceremony for the new Disc Golf Course opening and approved sharing the cost to improve a portion of 16 Mile Rd. with Nelson Township and KCRC.

Adjournment – Meeting adjourned @ 8:35 pm by a motion made by McIntyre, supported by Bassett. Motion carried.

Respectfully submitted,
Colleen Brown, Recording Secretary
& Zoning Administrator