

**Courtland Township  
Zoning Board of Appeals  
Wed., July 10, 2019 @ 7 PM  
Courtland Township Hall**

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 Bassett, McIntyre, Simon, Nelson and Alternate Nate Brown. Excused for absence was Bergeron. Attendance of others is attached.

**Approval of Agenda:** The agenda was approved by a motion made by McIntyre, supported by Nelson, as written. All members voting yes. Motion carried.

**Minutes – June 12, 2019** Motion made by Nelson, supported by Simon, to approve the June 12, 2019 meeting minutes as written. All members voting yes, Motion carried.

**Public Comment:** None

**Variance Request – Kelly Anderson, Owner/Bouma Bldr.  
8558 Brower Lake Dr., Release from 5.04 District Regulations, Side Yard  
Setback, Lot Coverage & 2.01 B Existing lots of record.  
(Non-conforming lot)**

Builder, Brandon Bouma, was present along with Kelly Anderson. They redesigned the home to be a bit smaller and try to accommodate the neighbors and setback regulations. They are proposing to comply with the Zoning Ordinance with the 40 ft. setback min. for the front yard to the lake and also the rear yard setback of min. 16 ft. to the road, so no variance will be necessary for the front yard or rear yard.

Public hearing was reopened at 7:03 pm by Chairman Bassett.

Neighbor, Trish Castiglione, 8582 Brower Lake Dr., commented she was just trying to understand the ordinances and why ordinances are not enforced for setbacks, when it is spelled out in the ordinance. Several homes are being torn down that are the original cottages and now a primary residence, but she feels they should be required to meet the zoning ordinance setbacks. Chairman Bassett explained the variance process. A lot of existing homes are grandfathered caused in, irregular shaped lots and the process is a mechanism for applicants to explore options in lieu of the ordinances for their specific situation. They make their decisions based on the five standards of review and each case is considered on its own merit. It is a legal right for any property owner to request a variance to be considered by the board. The board members change as well, which could create a different outcome. Trish stated she feels like it has been a battle and wants to protect their property and add tax value. The residents feel like they are having to take the heat, when a decision is made by the board to allow a closer set back, which creates a lot of animosity with the neighbors, and they feel like they get put in a bad position to be able to say anything against it. If there is an ordinance with regulations, that should be enforced.

No further comments were heard from the audience. Public comments were closed @ 7:30 pm by Chairman Bassett.

Chairman Bassett stated the plans have been revised so that not much of a variance is being requested and thanked the builder for his efforts to change the plans and for considering the neighbors suggestions from the June 2019 ZBA Meeting where action was tabled for further review.

Member McIntyre stated the board members do their research for each application and apply the five standards of review to see if a hardship is created. She questioned if applicant Ms. Anderson knew what she could build there when she purchased the property. Chairman Bassett stated if a person purchases the property, they are not creating their own hardship because they are not doing anything without asking for the consideration for a variance first. If they started to build without a variance, then they would be creating their own hardship in that case.

Member Nelson stated it was good that the applicant was willing to take into consideration what neighbors had said at the previous meeting and tried to come up with a plan to compromise with them. They are making a difference trying to be good neighbors and still be able to have the house that they somewhat want. That is part of the process.

Chairman Bassett read the five standards of review as follows:

Standard #1 – Member McIntyre stated the lot is very narrow, the house plans were narrowed up a little bit more, but if you had a 10 ft. setback as required there, it would prevent any type of improvement to the lot with a minimal building envelope. Members felt the standard was met.

Standard #2 – McIntyre and Nelson felt this standard is met. No substantial detriment to the neighbors will be created.

Standard #3 – McIntyre said this is still a standard that she has a problem with as far as if the applicant creating their own practical difficulty. Chairman Bassett stated he feels this standard has been met. Nelson & Simon agrees it has been met.

Standard #4 – Simon & Nelson agree the exceptional topographical lay of the land does apply to the property itself for the reason to need the variance.

Standard #5 – Members felt the minimum necessary to address the practical difficulty complained of is being requested, especially with the revised plans presented for tonight's meeting as a compromise. McIntyre stated the house is a couple of feet narrower but felt there is also opportunity to take another 2 ½ ft. off the master bath side and the thru closet. Builder Bouma stated they have tried to build a plan that is minimally evasive to others and maximize the lay out for the living space available for the applicant.

Motion was made by Simon, supported by Brown, to approve of the variance request by Kelly Anderson/Bouma Bldr. @ 8558 Brower Lake Dr., with the revised plans as submitted for a side yard variance of 5 ft. to the south and a 3 ft. variance to the North for the side yard measured from the dripline to the lot line. The five standards of review have been determined to be met, the request is in line with what others have built in this area and the character of the surrounding neighborhood will not be affected. The revised plan is a good compromise. All members voting yes, Motion carried.

**Planning Commission Report** – Nelson reported the Master Plan is being reviewed and trying to decide if it is a good time to update the guidelines for growth management or wait for the census information to be available in 2021. Also, the barn venue ordinance was discussed and in the works on the ground floor to determine guidelines that the commission would recommend amending the zoning ordinance to allow or not to allow them.

**Township Board Report** – McIntyre reported the Township has approved placement of more playground equipment in the twp. Park area for ages 3 years and up and possibly another pavilion there also. The warning siren on Courtland Dr. between 12 & 13 Mile Rd., has been repaired and is in working order again now. Also, a fireworks ordinance was adopted to follow the State Regulations as adopted.

**Adjournment** – Meeting adjourned @ 8:00 pm by a motion made by Simon, supported by McIntyre. Motion carried.

Respectfully submitted,

*Colleen Brown*

Colleen Brown, Recording Secretary  
& Zoning Administrator