

ZONING BOARD OF APPEALS MEETING**June 30, 2022**

CALL TO ORDER: The meeting was called to order by Chairperson Bob Neis at precisely 6:00 pm.

PLEDGE OF ALLEGIANCE:**ROLL CALL:**

MEMBERS PRESENT: Suzanne Hayes, Bob Neis, Kim Arter

MEMBERS ABSENT: Adam Rosema & Craig Williamson

ALSO PRESENT: Zoning Administrator Heidi Tice, ZBA Recording Secretary Veronica West, Petitioner Mr. Zachary Rockwell, and 2 other members of the public in the audience.

APPROVAL OF AGENDA:

- ZBA Chairperson Mr. Neis asked if anyone had anything to add or change on the agenda, no one did. Mrs. Arter moved to approve the agenda as presented. Mrs. Hayes supported the motion. The motion carried.

APPROVAL OF MINUTES:

- Mrs. Hayes moved to approve the minutes of May 9, 2022 as presented. Mrs. Arter supported the motion. The motion carried.

PUBLIC HEARING:

PURPOSE: Act on Zoning Variance Request No. 22-0, the petition of Zachary Rockwell of 2345 Huether Ave, Muskegon, MI 49445, for a variance from Section 3.18 (B) Accessory Structures, of the Zoning Ordinance. The variance request is for a maximum of 1,320 square feet of accessory structures rather than the allowable maximum of 624 square feet and a height greater than the allowable maximum height of 16 feet.

Parcel# 61-09-220-000-0004-00 also known as 2345 Huether Ave, Laketon Township, Muskegon, MI 49445

Mrs. Arter moved to open the public hearing. Mrs. Hayes supported the motion. The public hearing opened at approximately 6:05 pm.

The variance notice publication was read aloud by Mrs. Arter and was entered as Exhibit A.

- Exhibit B – Proof of Publication: Chronicle notice of ZBA Hearing published on Sunday June 12, 2022.
- Exhibit C – List of surrounding property owners within 300 feet notified of the variance request. Including a map provided by Muskegon County GIS Zoning Notifier application.
- Exhibit D – Copy of Notification letter sent to all property owners within 300 feet, which was mailed on 06/12/2022.

It was noted that no correspondence in the form of phone calls or letters were received at Laketon Township with regard to this variance.

It was also noted that all ZBA members present had visited the property/location of this requested variance.

Mr. Neis asked the Zoning Administrator Mrs. Tice to give her staff report. Mrs. Tice reported Mr. Rockwell wants to construct a new accessory building that is 1200 sq feet (30' x 40') in size which is over the maximum allowed for the size of his parcel. His parcel is 100 x 195 (19,500 sq ft) which the ordinance allows a total of 624 square feet in up to 2 accessory buildings. He already has on site, 2 small sheds. He intends to remove one, but leave the other, which is his pool shed and is 144 sq ft, which leaves an allowable amount of 480 square feet for the second accessory building. The requested variance is also for the proposed structure to have a maximum height of 16.25 feet rather than the

allowable 16 feet. Mrs. Tice also reviewed Section 19.04 of the zoning ordinance, which is the section that provides the regulations and criteria that must be met in order for the ZBA to be able to grant a variance.

Mr. Neis offered the floor to the applicant to present his request. Mr. Rockwell stated he wants an accessory building to store belongings for hobbies/rv's etc. He added he has not settled on pole barn or standard frame construction yet but will build it whatever way is required. He also added that he is fine with a maximum height of 16 feet. He stated he has an attached 2 stall garage, but sometime in the past a prior owner installed a bathroom in the garage space and now it is only big enough to park 1 car inside the garage. He also noted that he purchased the home from his parents 5 years ago and grew up there, he did state that there were renters in the home for awhile and the home went downhill. He stated he needs to keep the pool shed as it houses the pool pump and all other pool accessories.

There were no comments from the audience.

Board deliberations and discussion began.

Mrs. Arter stated when she visited the site and measured things, not all of the measurements she took were the same as the site plan drawing submitted. There was discussion of the paved apron approach and Zoning Administrator Mrs. Tice noted the apron is not included in the accessory building dimensions of 30' x 40' and that is the only thing that was staked out on the site. Maximum lot coverage of 35%, as outlined in the zoning ordinance was also explained and discussed. Mrs. Arter also stated she does not see any extraordinary or exceptional reasons on the land to warrant granting a variance.

Mr. Neis discussed the zoning ordinance being the "law of the land" and the rules the township lives by. He noted Section 19.04 has specific criteria that must be met in order for the ZBA to be able to grant a variance and he does not see any reason that meets those criteria. He also added that the only issue he sees is that more storage is needed, which he feels is an affirmative action of the applicant.

Mrs. Hayes discussed the large size of the requested building, noting the rules allow for a smaller building. There was discussion with ZA Mrs. Tice on maximum allowable sizes and numbers of accessory buildings. Mrs. Hayes added she understands storage, but doesn't see any reasons that reach the level of extraordinary or exceptional that the ordinance requires.

Findings of Fact:

- The property is zoned R-3 single family residential.
- The property size is 100' x 195' (19,500 sq ft in area)
- The maximum allowable accessory structure square footage is 624 sq ft, the property currently has 2 existing buildings; one is 8' x 12' (96 sq ft) and is planned to be removed, the other is a 12' x 12' (144 sq ft) pool shed and is planned to remain. (Section 3.18.B.11 table)
- The home is a raised ranch; the zoning ordinance permits minor height adjustments to match the pitch of the dwelling (Section 3.18.B.11.c).

Mrs. Hayes moved to deny the variance request of Mr. Zachary Rockwell as presented, due to the lack of any exceptional or extraordinary circumstances as outlined in Section 19.04 of the Laketon Township Zoning Ordinance.

Mrs. Arter supported the motion.

A roll call vote was taken:

Voting Yes: Kim Arter, Suzanne Hayes and Bob Neis

Voting No: None

The motion carried and the variance denied.

CORRESPONDENCE: Planning & Zoning News, several issues were distributed for informational purposes. It was noted these would be the last issues as the publisher has retired and no one else has taken over publication.

UNFINISHED BUSINESS: **NONE**

NEW BUSINESS: **NONE**

PUBLIC COMMENTS: **NONE**

ADJOURNMENT:

Mrs. Arter moved to adjourn the meeting. Mrs. Hayes supported the motion. The motion passed by voice vote. The meeting adjourned at approximately 6:30 pm.

Submitted by: Kim Arter, ZBA Secretary