

**ZONING BOARD OF APPEALS
ROSS TOWNSHIP
December 4, 2013**

The Ross Township Zoning Board of Appeals held its regular meeting on **December 4, 2013, at 5:30 p.m.** in the Ross Township Hall. Chairperson Carpenter called the meeting to order and noted those present.

Present: Dave Carpenter, Chairperson
 Jim Lauderdale
 Ed Harvey

Absent: None

Also present: Bert Gale, AGS – Township Zoning Administrator
 Troy Feltman, AGS – Township Zoning Administrator
 Rebecca Harvey – Township Planning Consultant
 One (1) member of the public

APPROVAL OF AGENDA: On motion by Lauderdale, seconded by Harvey, the agenda was unanimously approved as presented.

APPROVAL OF MINUTES: On motion by Harvey, seconded by Lauderdale, the minutes of **August 7, 2013** were unanimously approved, with the following additions/corrections:

Page 2, paragraph 6, 1st sentence: “application” should be “applicant”
Page 2, paragraph 7, 3rd sentence: “the ZBA application” should be “variance application”

NEW BUSINESS:

- 1) **Application for Variance**
Gregory and Charlene Schofield
1985 Idlewild Drive/1993 Idlewild Drive
Property Tax I.D. #31904-18-102-301/#3904-18-102-292

Chairperson Carpenter stated that the next matter to come before the Board was the request by Gregory and Charlene Schofield for variance approval from Section 7.4 A., Zoning Ordinance to adjust the existing lot line between two adjacent nonconforming lots which will reduce the nonconforming frontage/width at one portion of each lot and decrease an existing nonconforming side yard setback. The subject property is located at 1985/1993 Idlewild Drive and is within the R-1 District.

Brent Dykstra, AMDG Architects, was present on behalf of the applicants. He stated that the Schofields have owned 1985 Idlewild since 2002, with 1993 Idlewild being a later

purchase. He noted that the owners desire to improve 1985 Idlewild to a year-round house, as well as make minor improvements to 1993 Idlewild.

Referencing the Application Sketch Plan, Mr. Dykstra explained that the applicants propose to adjust the existing lot line between 1985 and 1993 Idlewild so as to 'even up' the frontages on both lots, as well as bring a nonconforming side yard setback on 1985 Idlewild into compliance with the Ordinance. He explained that the proposed lot line adjustment would result in a neutral area swap and would neither alter the nonconforming lot area nor affect the lot coverage on either lot.

E. Harvey requested clarification as to the lots in question. Mr. Dykstra confirmed that the lots opposite 1985/1993 Idlewild are separate sites occupied by the garages for 1985/1993 Idlewild and are not part of the lots in question. He stated that no changes are proposed to the garage sites opposite the lots in question.

Chairperson Carpenter questioned if a new building was proposed for 1985 Idlewild. He expressed concern about the ability of a new house to be located on the site in compliance with applicable Ordinance standards. Gale acknowledged that a new house is proposed to be constructed on 1985 but stated that the variance request is solely to facilitate the proposed modification to the lot line and will not grant any relief related to the location of a new building on the site.

It was determined that the sliding scale approach to setbacks in the Ordinance establishes a 5 ft side yard setback requirement on the subject lots. Gale confirmed that the proposed property line modification will bring the existing nonconforming side yard setback on 1985 Idlewild into compliance with the 5 ft requirement.

Chairperson Carpenter questioned why the Zoning Board of Appeals was being asked to address a lot line modification. Rebecca Harvey explained that the Board is considering a variance request to allow the proposed lot width/frontage modifications (that will result from the lot line adjustment) that do not comply with Ordinance standards. She noted that the actual proposed lot split/combination will be subject to Township Board review/approval pursuant to the Subdivision Control Ordinance.

Dykstra inquired as to the application process for lot split/combination proposals. R. Harvey provided direction for application to the Township Board for consideration of the request.

No further public comment was offered on the matter. On motion by Harvey, and seconded by Lauderdale, closing of the public comment portion of the public hearing was unanimously approved.

Chairperson Carpenter led the Board through a review of the variance criteria set forth in Section 6.9 A. The following findings were noted:

Practical difficulty in carrying out the strict letter of the Zoning Ordinance: (*exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions; other extraordinary situation of the property*)

- The subject properties are existing nonconforming building lots within an existing approved plat.
- The subject sites are irregularly shaped (with compromised lake/road frontage) due to the curvature of the shoreline.

Self-created hardship: (*practical difficulty not created by the applicant or a predecessor owner in the applicant's family*):

- The subject properties are existing nonconforming building lots within an existing approved plat.
- The subject sites are irregularly shaped (with compromised lake/road frontage) due to the curvature of the shoreline.

No substantial detriment to adjoining property:

- The proposed lot line modification is area neutral and will neither alter the size of the lots nor affect the lot coverage on either lot.
- The resulting lot frontages/widths will remain nonconforming; a new nonconformity will not be created.
- No new building lots will be created.
- The proposed lot line modification will remove a side yard setback nonconformity on 1985 Idlewild; a new setback nonconformity will not be created.

Not materially impair the intent and purpose of the Zoning Ordinance:

- The proposed lot line modification is area neutral and will neither alter the size of the lots nor affect the lot coverage on either lot.
- The resulting lot frontages/widths will remain nonconforming; a new nonconformity will not be created.
- The subject properties will remain buildable lots.
- No new building lots will be created.
- The proposed lot line modification will remove a side yard setback nonconformity on 1985 Idlewild; a new setback nonconformity will not be created.

Not materially impair the public health, safety and welfare:

- The proposed lot line modification is area neutral and will neither alter the size of the lots nor affect the lot coverage on either lot.
- The resulting lot frontages/widths will remain nonconforming; a new nonconformity will not be created.
- The subject properties will remain buildable lots.
- No new building lots will be created.

- The proposed lot line modification will remove a side yard setback nonconformity on 1985 Idlewild; a new setback nonconformity will not be created.

Lauderdale then moved to grant variance approval from Section 7.4 A. so as to allow the reduction of the lot frontage/width at one portion of each lot (1985/1993 Idlewild) that will result from the proposed adjusted property boundary shown on the Application Sketch Plan ('Schofield Property – Proposed Adjusted Property Boundary') dated October 8, 2013. Variance approval is granted based upon the findings of the Board on the variance criteria set forth in Section 6.9 A., Zoning Ordinance, and conditioned upon the following:

1. Variance approval is granted to facilitate the proposed property line adjustment and is independent of any other information presented on the Sketch Plan (ie. proposed building location, proposed building footprint, etc.)
2. Variance approval is granted specifically to the properties 1985/1993 Idlewild that are currently occupied by the dwellings and not to the properties occupied by the garages located opposite the home sites.

Harvey seconded the motion. The motion carried unanimously.

ADJOURNMENT: On motion by Lauderdale, seconded by Harvey, the meeting was unanimously adjourned at 6:13 p.m.