

# DRAFT

## MINUTES OF THE ZONING BOARD OF APPEALS

A regular meeting of the Plainfield Charter Township Zoning Board of Appeals was held at Township Hall on February 19, 2008.

Members present were Dan Wynalda, Vice Chairman; Vic Matthews, Secretary; Bret Emerson, Marie Kessler, and Bill Parris. Also present was Peter Elam, Staff Planner.

Vice Chair Wynalda called the meeting to order at 7:00 pm; announced the agenda and welcomed Marie Kessler to the Zoning Board of Appeals and her first meeting.

1. **Approve Minutes of December 18, 2007**

Mr. Parris, supported by Mrs. Kessler, moved to approve the proposed agenda and the minutes of December 18, 2007 subject to minor corrections in spelling and grammar.

Motion carried unanimously.

2. **Election of Officers for 2008**

Vice Chair Wynalda allowed discussion and sharing of political views from all the Zoning Board of Appeals members and after good-natured speeches, nominations were accepted and voted upon.

Mr. Matthews, supported by Mr. Parris, moved to nominate Marie Kessler as Chair Person of the Zoning Board of Appeals. She accepted the nomination.

Motion carried unanimously.

Mr. Emerson, supported by Mrs. Kessler, moved to nominate Dan Wynalda as Vice Chairman of the Zoning Board of Appeals. He accepted the nomination.

Motion carried unanimously.

Mr. Wynalda, supported by Mr. Parris, moved to nominate Vic Matthews as Secretary of the Zoning Board of Appeals. He accepted the nomination.

Motion carried unanimously.

Zoning Board of Appeals officers for the year 2008 are as follows:

Marie Kessler, Chair Person  
Dan Wynalda, Vice Chairman  
Vic Matthews, Secretary

3. **Steve Milewski, 3625 Manderley Drive NE, Public Hearing**  
**Chapter 8, R-1, Residential, Section 8.05 Height & Area Regulations**

Vice Chair Wynalda requested that Secretary Matthews read the application submitted by the applicant, Steve Milewski, 3625 Manderley Drive NE, requesting relief from Chapter 8, R-1 Residential zoning requirements. He would like a 2-foot variance from the required 10-foot side yard setback to construct a garage 8 feet from the side property line, and a 27-foot variance from the required 30-foot front yard setback to construct a garage 3 feet from the required road right-of-way. The applicant's practical difficulty is that a larger garage is necessary to house recreational and personal watercrafts. He would like to avoid storing items on his lawn.

Vic Chair Wynalda recognized Mr. Milewski who explained that he and his wife, Tami, found a beautiful piece of property on Dean Lake about a year ago, and they purchased the property knowing that the home (built 1960's) needed to be updated. Their overall plan was to update the house raising the roofline, new siding, porch entrance and larger garage. He prepared and presented his conception of what the changes would look like when completed. The Japanese maple trees would not be removed.

The homes in the neighborhood were built in the 70's and 80's and at least half are located in Grand Rapids Township. The individual setbacks are various distances from the private road (Manderley Drive), some are very close to the road and others further away. Mr. Milewski stated that he was trying to match what was across the street from him at 3650 Manderley Drive. From the center of the road to the edge of the garage at 3650 Manderley is approximately 36 feet and approximately the same distance is desired. The existing home does not have the curb appeal they desire and the new look would make the property more valuable for the neighborhood, allow for additional storage space and keep watercrafts off the lawn.

Vice Chair Wynalda opened the public hearing and finding no one who wished to speak on the issue, closed the public hearing and returned discussion to the Board members.

Vice Chair Wynalda recognized Mr. Elam, Staff Planner, who explained that the applicant was requesting a variance to construct a 924 square foot garage (38.5 feet by 24 feet). The proposed garage would be used for the storage of recreational vehicles such as watercrafts. The property is served by a 30-foot easement centered on the east property line. The applicant would like to locate the garage 18 feet or more from the easement edge per the site plan. The depth of the garage is necessary due to the layout of the existing structure and to provide access and maneuvering space.

For the purpose of clarification, the applicant's site plan is incorrect by about 5 feet resulting in the garage being 13 feet from the easement edge where 18 feet is shown on the original site plan. However, the variance is written in such a fashion that more than enough room is provided to move forward with this request. The difference between the applicant's site plan and the public hearing notice was found during staff's review of aerial photography and the survey. Keep in mind that there is generally a degree of error in the aerial photography (3 to 8 feet) and the survey provided is a copy that does not scale correctly. Staff recommends that the Zoning Board of Appeals reference the site plan in any motion if a variance is granted.

The Milewski home is located on a private road that has been in existence for a long time. In checking with Mr. Rick Sprague from Grand Rapids Township, some of the homes were built in the 1920's and the homes are largely nonconforming without variances. The applicant is requesting to build a 38-foot long garage (rounded down), 13 feet from the easement edge. Since there is some variation between the aerial and survey provided, staff is recommending that if the variance is approved that the site plan be a part of the approval so that the addition would be based on that particular site plan. Mr. Elam explained that he had measured other properties (12) in the area and found the average setback to be 18 feet from the private road easement edge. The applicant would like to go a little closer than what is out there on average and that is why staff has reservations. Staff looked to see if reasonable alternatives exist and met with Mr. Milewski on the property. Mr. Elam was concerned that if the variance were granted it would be somewhat out of character with the rest of the neighborhood.

Vice Chair Wynalda explained that the Zoning Board of Appeals (ZBA) may conclude that an applicant has established a practical difficulty if certain required facts and conditions exist. These facts and conditions were on the back of the Agenda and Vice Chair Wynalda read them in full. These rules must be followed in order to grant a variance.

Mr. Emerson led discussion about the exact location of the new garage structure. It was confirmed that the existing structure is not parallel to the road so when the new garage comes off the house it will angle towards Manderley Drive. The south end of the garage will be approximately 36 feet from the center of the road while the north side of the garage will be 30 feet from the center of the road. There is a six-foot difference between the front of the garage and the back of the garage in relationship to the roadway.

Mr. Elam explained how he averaged the 12 properties on Manderley Drive and found on average the homes front yard setback was 26.25 feet from the center line of the private drive. The plans provided versus the survey showed that from the corner of the structure to the corner of the property there is 66 feet. Today there is 66 feet from the corner of the garage to the center of the road and if carried out with the building coming off with an angle we are looking at 66 feet, minus 38 feet, minus 15 feet, to the easement edge which equals 13 feet from the easement edge, which means it will be 28 feet total from the property line. We do not have a surveyed showing the exact measurements.

Further discussion was held regarding the existing garage doorway, the entrance to and from the home, the proposed new porch, and the roofline.

Mr. Parris led discussion regarding the unique styles of homes in the area and the height of the proposed new structure. It was confirmed that the top of the roof to the ground would measure approximately 21 feet. The garage would have a storage area in the upper floor but no living quarters. Mr. Milewski apologized for the crude drawing he prepared to accompany the application and had since designed a better plan that was being provided that evening. The new illustration was more accurate as to what the new construct would look like, however, he was still in the design process and making alterations. Mr. Parris reminded Mr. Milewski that the Board did not want to approve something and then have something completely different constructed.

Mr. Wynalda confirmed that the diagram illustrated substantial renovations to the entire home, actually changing the way the front entranceway would look, moving it over and re-siding the entire home using cedar shake siding. Mr. Milewski agreed that he was intending to leave the existing garage for storage space, add the breezeway and two additional stalls to his garage.

The idea is to have very efficient storage space. He shared that his hobby was woodworking and he would be able to use part of the storage space for his wood working tools. It was asked if other homes in the area had four-stall garages with breezeways and it was confirmed that his next door neighbor had a four-stall garage.

Mr. Elam reminded Mr. Milewski that there was a maximum size of accessory buildings allowed in the R-1 zone and his particular range was a maximum of 1,264 sq. ft. or if attached to the home the maximum allowable size of any individual attached accessory building shall not exceed 864 square feet for the first 1,300 square feet of habitable (finished) floor area contained in the dwelling. In no case shall an attached accessory building exceed 1,200 square feet. Mr. Elam did not know the old garage was not going to be converted over and made a part of the home. He was under the impression that space would be converted to living space.

Mr. Wynalda asked the applicant if he could eliminate the breezeway portion and redesign and reduce the variance request to something more in line with the setbacks of the neighboring homes. Mr. Milewski stated that he really did not want to remove the Japanese maple tree that had been in place for twelve years. He really did not want to change the perceived curb appeal that he was trying to accomplish. He emphasized that once summer came everyone in the neighborhood is pretty secluded.

Mr. Matthews agreed that the proposed design was a very nice look, but he had serious issues regarding the front yard setback. The Township Zoning Ordinance requires certain setbacks and Mr. Milewski is asking for quite a bit. His neighbor across the street is back about 21 plus feet and you would be 13 feet. That is an extra 8 feet, which is a fairly significant amount. Most of these homes were built back before zoning ordinances rules and regulations. Most of these homes are legally nonconforming and now that we have zoning regulations, we as a Zoning Board of Appeals, are required to abide by those regulations. There is some latitude but we end up with issues like this all the time and we cannot approve them because someone wants to make it look better. Mr. Matthews agreed again that the proposed plans would make it look a lot better than what currently exists, but the Board's hands were tied by law as to what could and what could not be allowed. Mr. Matthews was not comfortable with allowing the 13-foot variance.

The applicant disagreed with the way the measurement of 13 feet had been arrived at. He stated he was trying to get every foot available and had taken the time to measure the distances with his tape measure from the center of the road to the edge of the north side of the garage. The measurement was 30 feet. Take away the 15 feet of easement that brings it down to 15 feet and that is the worst-case scenario. His neighbor is 36 feet from the center of the road. He agreed it may sound silly, but the worst-case scenario is that the north side of the garage would be 15 feet and then the garage goes to 21 feet which is the same as the neighbor. The home at 3595 Manderley is 28 feet from the center of the road.

Mrs. Kessler asked about the age of the houses on the street and if variances were given when they were built. Mr. Elam explained there are many houses in the neighborhood that are nonconforming. Regardless, staff's prospective is that they are consistent, basically the same distance from the private road. In this case on average, short of having an exact survey done which is the alternative to pinpoint exactly where the easement is and where the structure is; 13 feet is probably a pretty good estimate based on the survey provided and aerials. He agreed that there could be a possibility of a degree of a couple of feet and that is why he was requesting (if approved) the approval be subject to the site plan and dimensions provided. When dealing with private roads (not all equal) measuring from the centerline of the private road is probably not the best rule of thumb to go by so what is being contested is the distance in the neighborhood for the average structure and how close the applicant is getting to that average distance.

Mr. Matthews explained that one of the difficulties they have to work with is proving that the applicant has not created the hardship. Additionally, the house and garage have been livable space for a number of years. The home has an existing two-stall garage. These findings make it very difficult for the ZBA to approve a large variance while at the same time, the board does not want to encourage updating of property, reasonable expansion and keeping things current and aesthetically pleasing.

Mrs. Kessler led discussion regarding the 4 foot front yard variance approved for 3700 Manderley and the request of 18 feet by the applicant. The rear yard dropping off 20 to 30 feet was also discussed along with the need/or not for a new survey. Redesigning and different locations for the garage and addition were discussed.

Mr. Elam explained that the applicant's home on the private road was not parallel to the road. The house is not parallel to the street no matter what the applicant does.

Mr. Elam asked that the Board keep in mind that staff has not required people to provide surveys in the past. Staff is comfortable with approving the site plan therefore if it is thought that a 38-foot structure going that far out into the setback is appropriate, staff can use the site plan. However, if it is thought that it needs to be reduced, it is either recommended to the applicant, or tabled for further discussion or the board can choose to deny.

Mr. Wynalda reminded the Board and the applicant that the ZBA may conclude that an applicant has established a practical difficulty if strict compliance with the ordinance requirements are met. The applicant is allowed a garage within a home, and we have established they already have one. However many of the other people in the township have storage and additional garage space so trying to move the garage to where their bedroom is located obviously would be burdensome. Mr. Wynalda then asked if unique or extraordinary circumstances exist. They do have tremendously steep terrain in the back of the home so expansion would be from the side or front. The homes in the neighborhood were developed a long time ago under different rules and regulations or no rules and regulations. There will not be any detriment to adjacent properties; this is very difficult to legislate. The applicant could design around the setback issue and still have reasonable storage although not as much as he would prefer.

Mr. Wynalda addressed the applicant directly and informed him he did not know which way the Board would vote, but Mr. Elam has provided the options, which are to table this request, deny the request or approve it.

Mr. Elam recommended that the application be tabled allowing the applicant and staff to provide concrete numbers that the ZBA would be comfortable working with. Mr. Wynalda added that he personally liked what the applicant was trying to do. Abnormalities did exist on the site, but he was uncomfortable with the numbers provided.

Mrs. Kessler agreed with Mr. Wynalda and reminded the applicant that if the application was denied it was done. If it were approved which did not seem sound as she too was uncomfortable with the numbers that were presented on the site plan. The application can be tabled allowing the Board to make sure the numbers are correct and see what else is going on in the neighborhood. She did not want to dismiss the application, she preferred to study it, and she understood the need the applicant had for the additional storage and why they wanted it. Mrs. Kessler explained that the board would like the opportunity to find ways to help Mr. Milewski in this situation.

