

**PRAIRIEVILLE TOWNSHIP  
ZONING BOARD OF APPEALS**

**March 6, 2024**

**PRESENT:** Chairperson Dale Grimes, Richard VanNiman, Jaci Dalke, Ted DeVries, Dan Jeska

**ABSENT:** None

**ALSO PRESENT:** Rebecca Harvey, Township Planning Consultant

CALL TO ORDER

Chairperson Grimes called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

Mr. Jeska moved to approve the agenda as presented. Mr. DeVries seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES

The next matter to come before the Board was consideration of the proposed minutes of December 6, 2023. Mr. VanNiman moved to approve the minutes as presented. Mr. DeVries seconded the motion. The motion carried unanimously.

PUBLIC COMMENT CONCERNING NON-PUBLIC HEARING ITEMS

No public comment was offered on non-public hearing items.

PUBLIC HEARING ITEMS

*VARIANCE REQUEST - Phillips*

The next matter to come before the Board was the request by Todd and Deeana Phillips for variance approval for the proposed construction of an addition to a single-family dwelling that fails to meet applicable side setback requirements established by Section 4.41 – *Schedule of Lot, Yard and Area*

*Requirement* and Section 6.17 – *Nonconforming Lots*, Zoning Ordinance. The subject property is located at 10837 Shelp Lake Drive and is within the R-2 District.

Chairperson Grimes opened the public hearing.

Todd Phillips was present on behalf of the application. Mr. Phillips provided an overview of the proposal, noting the following:

- They purchased the subject property in July, 2021 . . but as a family have resided in the Shelp Lake area for 53 years.
- The existing building is a small 588 sq ft cottage (built in 1970) with an open floor plan and no room for storage.
- The proposed 258 sq ft addition is for the purpose of adding closet and storage space within the cottage.
- The proposed 3 ft side setback is characteristic of the area and the neighbors do not object.
- Fire code requirements will be met to provide necessary fire wall construction.

Grant Medich, neighboring property owner, stated that the proposed addition seems like the most cost effective approach to increasing the size of the cottage . . and will also serve to decrease the nonconforming size of the dwelling. He noted that the proposed firewall will address fire safety concerns and that he has no objection to the proposal. Mr. Medich added that there are many cottages in the area and that the proposal is not out of character.

Howard Hahn, adjacent neighbor, agreed that the proposed firewall should address the fire safety concerns and that he does not object to the proposal.

No public further comment was offered on the matter and the public comment portion of the public hearing was closed.

Chairperson Grimes questioned the proposed dimensions of the addition, noting that minor adjustments would allow for compliance with the 6 ft side setback requirement. Mr. Phillips stated that the proposed size of the addition is based on storage needs.

Mr. VanNiman questioned if the proposed 3 ft setback was measured from proposed overhangs. Mr. Phillips stated that he did not intend to have overhangs along that side of the cottage.

Chairperson Grimes inquired about alternate locations on the site that could comply with setback requirements, or use of the accessory building on the site for storage. Mr. Phillips noted that the opposite cottage side wall is the location of the utility connections and a chimney . . . and that the shed would not provide the heated storage desired.

The Board proceeded with a review of the variance criteria set forth in Section 7.5. Specifically, the following findings with respect to the requested variance were noted:

#1 – The requested setback variance will not serve to ‘permit the establishment of a use’ which is not allowed within the R-2 District.

#2 – It was recognized that the subject site is currently occupied by a dwelling and that a denial of the variance would not prevent reasonable use of the property. Further, the 10 ft side setback requirement is already reduced to 6 ft in consideration of the nonconforming size of the lot . . . and it was noted that area exists toward the road and on the northwest and southeast sides of the building for a proposed addition in compliance with setback requirements.

#3 – In determining substantial justice, a review of the building arrangements on surrounding property was completed. Although support was expressed by neighboring property owners, it was felt that future area residents should also be considered and that the proposed 3 ft setback was ‘very tight’.

#4 – There are no unique physical limitations on the site preventing compliance.

#5 – The location and configuration of the existing dwelling/deck were at the discretion of the property owner, as is the location and configuration of the proposed addition . . . resulting in practical difficulties created by an affirmative action of the property owner.

#6 – The intent of the side setback requirement was referenced and the following noted:

- The proposed 3 ft side setback is less than even the reduced minimum side setback requirement of 6 ft, suggesting side setback objectives will not be met.
- The dwelling adjacent to the NW is provided a 6-7 ft side setback from the common property line with the subject site. The proposed 3 ft side setback will result in a building separation of only 9-10 ft, suggesting side setback objectives related to building separation, fire safety, access, open space, light/air and visibility will not be met.

- The proposed 3 ft side setback requires confirmation that storm water runoff standards and storm water management objectives will be met.

It was noted that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Mr. Jeska moved to deny variance approval from the 6 ft side setback requirement to allow the proposed addition with a 3 ft side setback based upon the findings of the Board on Variance Criteria #2 through #6. Ms. Dalke seconded the motion. The motion carried unanimously.

### UNFINISHED BUSINESS

Chairperson Grimes stated that no 'Unfinished Business' was scheduled for Board consideration.

### NEW BUSINESS

#### *COMMUNICATIONS:*

Mr. DeVries advised that the Township Board is working on the annual budget, with action scheduled for March. He further noted that the Township is seeking to retain a 'zoning enforcement officer'.

### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:05 p.m.