

**PRAIRIEVILLE TOWNSHIP
ZONING BOARD OF APPEALS**

April 3, 2024

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

ABSENT: None

ALSO PRESENT: Several in the Public

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 March 6, 2024. 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 - Bates

The next matter to come before the Board was the request by Ryan Bates for variance approval for the proposed construction of an attached accessory building that fails to meet the setback requirements established by Section 4.24 – *Waterfront Lots* and Section 4.41 - *Schedule of Lot, Yard and Area Requirements*, Zoning Ordinance. The subject property is located at 11239 Oak Drive and is within the R-2 District.

Chairperson Grimes opened the public hearing.

Ryan Bates provided an overview of the proposal, noting the reasons he felt that the variance was just.

Another neighboring property owner stated that the proposed building of the garage would match many of the garages on Oak Drive. He added that the proposal is not out of character for the area did not object to the proposal.

Another neighbor agreed that the proposed garage would not be a hindrance to traffic or parking 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 garage addition, noting that minor adjustments would allow for compliance with the 25 ft road setback requirement. Mr. Bates stated that the proposed size of the garage is based on storage needs.

Mr. DeVries had taken pictures of neighboring garages and found that this garage would actually be farther from the road than many of the garages in that neighborhood.

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. An option would be to make the garage smaller.

#3 – In determining substantial justice, a review of the building arrangements on surrounding property was completed. Support was expressed by neighboring property owners.

#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 garage. resulting in practical difficulties created by an affirmative action of the property owner.

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

- The rear yard setback requirement for waterfront lots set forth in Section 4.24 was established in 2008 to afford adequate area for off-street parking, provide building/roadway separation for safety, and establish consistency of building lines.

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. VanNiman moved to approve variance approval from the 8ft rear setback requirement to allow the proposed building of the garage based upon the findings of the Board on Variance Criteria #2 through #6. Ms. DeVries 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 several road assessments and a weed assessment renewal.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:15 p.m.