

**PRAIRIEVILLE TOWNSHIP
ZONING BOARD OF APPEALS**

September 4, 2024

PRESENT: Chairperson Dale Grimes, Jaci Dalke, Glenn Stoneburner

ABSENT: Ted DeVries, Dan Jeska

ALSO PRESENT: Rebecca Harvey, Township Planning Consultant

CALL TO ORDER

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

Chairperson Grimes welcomed new Board member Glenn Stoneburner.

The Board then held a moment of silence in memory of long-time ZBA, Planning Commission and Township Board member Richard VanNiman.

APPROVAL OF AGENDA

Ms. Dalke moved to approve the agenda as presented. Mr. Stoneburner 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 April 3, 2024. It was noted that the draft minutes had not yet been received. Mr. Stoneburner moved to postpone consideration of the April 3, 2024 minutes to the next ZBA meeting to allow adequate time for review. Ms. Dalke 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 - Kienitz

The next matter to come before the Board was the request by Alex and Rhonda Kienitz for variance approval for the proposed construction of an addition to an existing dwelling that fails to meet the setback and lot coverage 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 11875 Lakeway Drive and is within the R-2 District.

Chairperson Grimes opened the public hearing.

Rhonda Kienitz was present on behalf of the application. Ms. Kienitz provided an overview of the proposal and distributed photos of the property, noting the following:

- The foundation under the original portion of the cottage is in need of repair.
- The proposal includes the removal of the original portion of the cottage (650 sq ft) and a rebuild of that original cottage footprint on a new foundation.
- The cottage is currently provided a 2.6 ft setback from the west property line and a 4 ft setback from the east property line, in violation of the 6 ft side setback requirement; maintaining the 2.6 ft/4 ft side setbacks for the cottage rebuild is requested.
- The proposed cottage rebuild will require the removal of the existing 576 sq ft (24 ft x 24 ft) detached garage for access.
- As a result, the proposal also includes the removal of the detached garage and the construction of a new 504 sq ft (21 ft x 24 ft) garage . . . to be attached to the cottage by enclosure of the existing space between the garage and the cottage.
- The garage is currently provided a 1.7 ft setback from the west property line, in violation of the 6 ft side setback requirement; a 4.7 ft side setback for the garage rebuild is requested.
- The garage is also currently provided a 15 ft setback from the r.o.w. of Lakeway Drive, in violation of the 25 ft rear setback requirement; maintaining the 15 ft rear setback for the garage rebuild is requested.
- The existing cottage/detached garage currently result in a lot coverage of 51%, in violation of the 30% maximum lot coverage standard; a 50% lot coverage for the cottage/garage rebuild is requested.
- Similar situations existing on area properties was referenced.

Guy Parks, neighboring property owner, expressed reservations about the accuracy of the survey used by the applicant in the proposal. Specifically, he questioned that the 4 ft setback from the east property line reflected on the survey is inaccurate, suggesting that the setback is closer to 1 ft.

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

Chairperson Grimes questioned the apparent location of a utility in the space proposed to be enclosed with the garage attachment to the cottage. Ms. Kienitz noted that the secondary sewer pump currently located in that space is proposed to be removed. She further clarified that the well is currently located in the basement of the cottage addition recently constructed.

Ms. Dalke noted that the proposed 4.7 ft setback from the west property line is only 1.3 ft shy of compliance with the 6 ft setback requirement. She questioned if the new garage could be shifted east on the site to comply. Ms. Kienitz explained that although there is a 13.5 ft setback to the east property line, the garage location is limited by the current location of the septic tank.

Chairperson Grimes observed that although the proposed garage rebuild is proposed to increase the side setback from 1.7 ft to 4.7 ft, the cottage rebuild is proposed to maintain the existing 2.6 ft side setback . . . so a 3.4 ft variance is actually needed for the proposal, not a 1.3 ft variance.

In response to questions, Ms. Harvey confirmed the following variances are requested/required:

- Variance approval from the 6 ft side setback requirement to allow for a 2.6 ft setback from the west property line and a 4 ft setback from the east property line for the cottage rebuild.
- Variance approval from the 6 ft side setback requirement to allow for a 4.7 ft setback from the west property line for the garage rebuild and attachment.
- Variance approval from the 25 ft rear setback requirement to allow for a 15 ft setback from Lakeway Drive for the garage rebuild.
- Variance approval from the 30% maximum lot coverage standard to allow for a 50% lot coverage for the proposed cottage/garage rebuild.

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 variances 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 variances would not prevent reasonable use of the property.

In consideration of the availability of reasonable options for compliance, lengthy Board discussion ensued regarding reconfiguration options, including reducing the size of the proposed cottage rebuild and shifting the garage toward the east. It was noted that options to comply with the rear setback requirement are limited unless the garage rebuild is eliminated.

#3 – In determining substantial justice, a review of the building arrangements on surrounding property was completed. It was noted that the proposed side/rear setbacks would be similar to those existing on nearby properties, however, the proposed lot coverage would exceed that characteristic of the area.

#4 – There are no unique physical limitations on the site preventing compliance and the property is similar to other lots in the area.

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

#6 – The intent of the requirements was referenced and the following noted:

- The proposed 2.6 ft and 4 ft side setbacks are 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 west is provided a 6 ft side setback from the common property line with the subject site. The proposed 2.6 ft and 4.7 ft side setbacks will result in a building separation of only 8-11 ft, suggesting side setback objectives related to building separation, fire safety, access, open space, light/air and visibility will not be met.
- The dwelling adjacent to the east is provided a 6 ft side setback from the common property line with the subject site. The proposed 4 ft side setback will result in a building separation of only 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 15 ft rear setback will not allow adequate depth for compliance with off-street parking requirements, suggesting rear setback requirements will not be met.

- The proposed 50% lot coverage requires confirmation that storm water runoff standards and storm water management objectives will be met.

In continued Board discussion, Ms. Dalke stated that she did not support the minimal side setbacks proposed due to safety and accessibility concerns but noted that she would consider a 20 ft rear setback proposal (instead of the required 25 ft), noting that 20 ft would allow for a safe and compliant off-street parking arrangement and would be consistent with the rear setbacks in the area. She added that the lot coverage request could be better considered upon receipt of a reconfigured proposal, but indicated that she would support a lot coverage more consistent with the surrounding area.

Chairperson Grimes expressed agreement with the comments of Ms. Dalke and questioned if the applicant would like the Board to postpone action on the requests so that she may reconfigure the request and resubmit, or if she would like the Board to proceed with acting on the application as requested.

Ms. Kienitz stated that she has questions regarding the numbers that are being discussed by the Board. Ms. Harvey explained that where dimensions were missing from the application/sketch plan, the Township derived dimensions from the County's GIS. She explained that the Board would be happy to consider any additional information the applicant could provide. Ms. Kienitz also requested clarification of the parking concerns noted and the definition of 'self-created hardship'. She then indicated her support for a postponement of the application to the October ZBA meeting so that she may compile the needed dimensions and/or offer a modified proposal.

Ms. Dalke then moved to postpone consideration of the request to the October 2, 2024 ZBA meeting to allow the applicant the opportunity to provide new and/or additional information regarding the application. Mr. Stoneburner 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. Stoneburner advised that he was also recently appointed to the Planning Commission and will now serve as the Commission liaison to the ZBA. He reported on the work of the Planning Commission in August.

Due to the absence of Mr. DeVries, no Township Board report was given.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:47 p.m.