

**ZONING BOARD OF APPEALS
ROSS TOWNSHIP
October 6, 2015**

The Ross Township Zoning Board of Appeals held its regular meeting on **October 6, 2015, 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
 Ed Harvey
 Jim Lauderdale

Absent: None

Also present: Bert Gale, AGS – Township Zoning Administrator
 Kelly Largent, AGS – Township Zoning Administrator
 Rob Thall – Township Attorney
 Two (2) members 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 **September 2, 2015** were unanimously approved as presented.

NEW BUSINESS:

- 1) **Application for Variance**
Ronald Reisman
409 South Gull Lake Drive
Property Tax I.D. #3904-18-280-291

Chairperson Carpenter stated that the next matter to come before the Board was the request by Ronald Reisman for variance approval from the 10% maximum rear yard coverage requirement applicable to accessory buildings set forth in Article 15, Zoning Ordinance. The subject property is located at 409 South Gull Lake Drive and is within the R-1 Low Density Residential District.

Chairperson Carpenter explained that the subject site is a double-lot parcel on Gull Island (409 South Gull Lake Drive) that totals approximately 15,250 sq ft in area. Referencing the application material and sketch plans, he stated that the applicant proposes the construction of a 248 sq ft addition to an allowed accessory building situated within the rear yard. Chairperson Carpenter explained that the rear yard area totals 7130 sq ft,

allowing for 713 sq ft of rear yard lot coverage by an accessory building. He noted that the proposed addition to the accessory building will result in a 960 sq ft accessory building and 13.5% rear yard coverage, requiring variance approval from the 10% maximum rear yard coverage requirement.

Thomas Amon, Warner Norcross & Judd, and representation from TR Builders were present on behalf of the applicant. Amon stated that the accessory building will contain a studio and storage/canning/photography room. He noted that the building addition is proposed to provide for a handicap accessible bathroom and shower area, as well as storage space.

Harvey requested confirmation of proposed building setbacks. TR Builders stated that the proposed accessory building addition will be setback 17 ft from the rear property line, as measured from the building eave. Harvey stated that the correct dimension should be added to the sketch plan for the Township file.

Chairperson Carpenter questioned if the proposed accessory building may more accurately be identified as a 'guest house' pursuant to Section 18.4 A.5.b., Zoning Ordinance. Amon stated that the accessory building will largely be studio space to be used by the owner for pottery, crafts and painting. He explained that the proposed addition will allow for the provision of ground level bathroom space on the property with a wheelchair accessible bathing facility for the owner's elderly/mobility impaired parents.

TR Builders added that the accessory building will not be provided a bedroom and that the proposed sink will be used for the development of film (photography).

Township Attorney Thall stated that the accessory building has not been designed nor approved as a 'guest house'. Accordingly, use of the building as a 'guest house' will represent a violation of the Zoning Ordinance.

In response to Board questions, it was confirmed that a barrier-free compliant building access and rail will be provided. It was further confirmed that the subject site is a single parcel (with a single parcel number) that consists of two platted lots.

General discussion ensued regarding the design of the accessory building. TR Builders noted that the storage area within the proposed addition will be provided exterior access only.

Amon referenced the variance request narrative provided with the application. He stated that the subject property is located on an island, backs up to an undeveloped wooded area, and has a unique shape due to a nearby peninsula that has resulted in a reduced rear yard area.

In response to Board questions, Amon explained that the wooded area to the north (rear) of the lot is common area owned by the Gull Island Association for common use. He

also confirmed that the right-of-way behind the existing residence is a utility (pump station) right-of-way.

Chairperson Carpenter referenced two letters of support received from adjacent neighbors. The letters were read into the record.

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

Chairperson Carpenter led the Board through a review of the variance criteria set forth in Section 23.8 A. The following findings were noted:

Per Section 23.8A.:

- 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 lot in question does not have exceptional narrowness, shape or topographic conditions; the subject site is actually larger than many lots in the area.
 - The lack of handicap accessibility on the site and the difficulty of remodeling the existing residence is not an ‘extraordinary situation of the property’.
 - No ‘practical difficulty’ exists in complying with the 10% maximum rear yard coverage requirement.

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

Lauderdale then moved to deny variance approval from the 10% maximum rear yard coverage requirement based upon the inability of the request to meet Section 23.8 A.1. and therefore failing to meet all of the criteria set forth in Section 23.8 A., Zoning Ordinance. Carpenter seconded the motion. The motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 6:30 p.m.

Respectfully Submitted,

Rebecca Harvey, AICP, PCP
Township Planning Consultant