

REQUEST

(VAR1910) Mike Schaap Builders Inc., Adam Schaap, 12969 Greenly St., Holland, is requesting to have an attached accessory building (garage) with an area of 2069 square feet, a variance of 569 square feet from the maximum of 1500 square feet allowed in Sec. 3.4(E)(1), which states that a garage shall not exceed 60% of the gross floor area of the dwelling to which it is attached (6485 square feet), not to exceed 1500 square feet, in an (RR) Rural Residential district, on a parcel of land described as P.P. # 70-14-08-200-070, located at 3405 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

RELEVANT ZONING ORDINANCE SECTIONS

Sec. 3.4 ACCESSORY BUILDING AND USES.

Accessory buildings and uses shall be subject to the following regulations:

- (E) Maximum Floor Area.
 - (1) The maximum floor area above grade for an attached accessory building, including garage, shall not exceed sixty (60) percent of the gross floor area of the dwelling to which it is attached, not to exceed a maximum of one thousand five hundred (1,500) sq. ft. No attached accessory building, including garage, shall have a door opening greater than fourteen (14) feet in height.

SITUATION

The parcel is a **25.25 acre site in the (RR) Rural Residential district**. The applicant is proposing to build a house as follows:

3,056 square feet finished main level
1,121 square feet finished trophy room main level
2,308 square feet finished lower level

6,485 total square feet on the main level, plus finished on the lower level

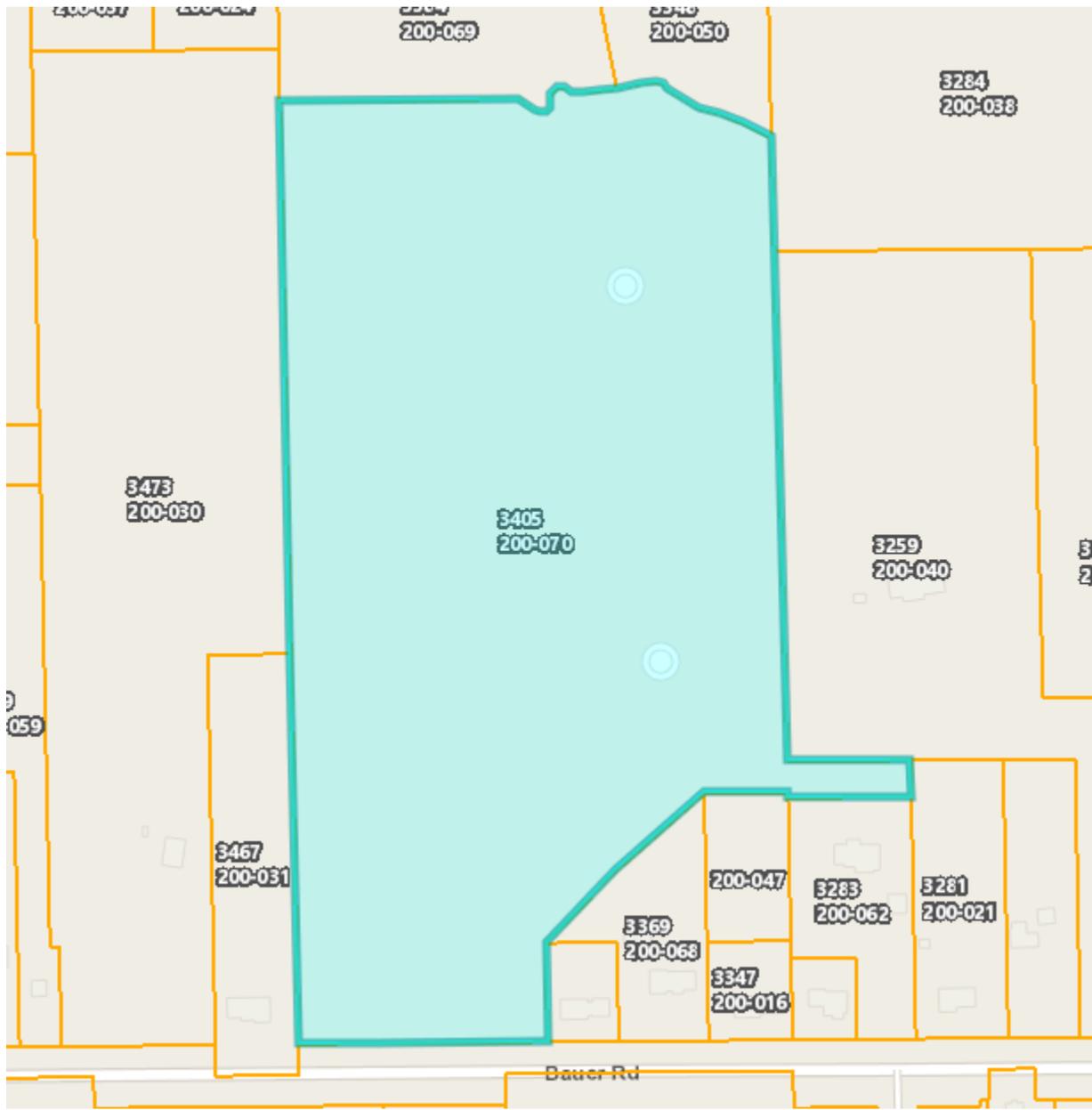
6,485 x 60% = 3,891 square feet of garage allowed; however, the ordinance allows only a maximum of 1,500

Proposed 2,069 square foot garage, a variance of 560 from the maximum of 1,500 allowed.

Note: Out of the 16,578 houses in Georgetown Township, only 40 have a living area of greater than 4,000 square feet with only 8 of those having finished livable area over 5,000 square feet, and with only one having a livable area of over 6,000 square feet. The current largest house in Georgetown Township has 6,244 square feet of living area. The applicant's house is unique in that the proposal is for 6,485 square feet of living area, which will make this the largest house in Georgetown Township.

Since this is such a unique situation to be encountered, it might be best to handle with a variance rather than to change the ordinance. This is only the third such request (with the same circumstances) in the past 25 years based on Township records.

MAPS SHOWING LOCATION OF SITE





HISTORY OF THE ZBA DECISIONS

In the past, the ZBA has granted variances to have larger garages when the house was unique based on being bigger than most houses in the Township. In one instance, the house was 5,395 in finished livable square footage. In the second instance, the house was 4,718.5 square footage of livable area. In both instances, the lots were larger than a normal subdivision lot.

1. At the February 26, 1997 meeting, the ZBA granted a variance for a 2040 square foot garage for a house with 5,395 square feet on the main level and finished lower level located on a 1.775 acre site at 6029 Hillsborough Ct. in Summerset Plat based on the size of the parcel and the size of the lot.
2. At the April 25, 2001 meeting, the ZBA granted a variance for a 1242 square foot garage (at the time the maximum was 1,000 square feet) for a house with 4,718.5 square feet on the main level and second story located on a 2 acre site at 5853 Stonebridge Dr., in Summerset No. 2 based on the overall design of the house and the consistency with the character of the neighborhood.



REVIEW –

The standards that have objectively been met are noted with an “X” in the “yes” column and the standards that have objectively not been met are noted with an “X” in the “no” column. Any standards left blank could not be objectively met or not met and therefore must be determined by the ZBA.

Variance ID	VAR1910		
Applicant	Mike Schaap Builders Inc.		
Address	3405 Bauer Road		
Request	Attached garage 2069 SF variance of 569 SF		
Date	For September 25, 2019 meeting		
#	YES	NO	CONDITIONS (Chapter 28.11-C)
1	X		Granting the variance(s) will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.
2	X		Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted.
3			That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.
4	X		That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.
5			That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
6	X		That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12.
7			That the variance is not necessitated as a result of any action or inaction of the applicant.

FINDINGS

The ZBA should determine if standards 3, 5 and 7 are met and if they concur with the review presented.

Standard #1 - Granting the variance will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.

MET. The spirit of the ordinance is to provide for orderly development within the Township. In that regard, the Township Board, based on recommendations of the Planning Commission, has adopted ordinances to regulate the minimum sizes of things such as lots and houses, along with maximum sizes of things such as accessory buildings and attached garages. This 6,485 square foot house is located on a 25 acre parcel. Having a garage larger than the maximum of 1,500 square feet is compatible with the size of house and the size of the parcel and is keeping with the intention of the ordinance.

Standard #2 - Granting the variance shall not permit the establishment within a district of any use, which is prohibited, nor shall any use variances be granted.

MET.

Standard #3 - That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.

The ZBA will have to determine if this standard is met.

The ZBA is charged with the responsibility of determining if and when the regulations in the Zoning Ordinance do not apply based on unique circumstances. The ZBA can consider the size of the house and the size of the parcel in regard to most other sizes of houses and parcels within the Township. This size house and this size parcel is unique based on a majority of houses and lots within the Township.

Standard #4 - That the granting of such variances will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.

MET.

Standard #5 - That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

The ZBA will have to determine if this standard is met.

Standard #6 - That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance in Section 27.12.

MET.

Standard #7 - That the variance is not necessitated as a result of any action or inaction of the applicant.

The ZBA will have to determine if this standard is met..

SUMMARY AND DISCUSSION

In summary, the situation is unique and unusual based on the size of the parcel (over 25 acres) and the proposed house size of 6,485 square feet, which would make this the largest house in the Township. In fact, only eight houses in the Township have over 5,000 square feet in finished livable area and out of that only one had over 6,000.

OPTION FOR MOTION

The ZBA should determine if the seven standards of the ordinance have been met in order to grant a variance. If even one standard is not met, as per Sec. 28.11(C), the ZBA does not have the authority to grant the variance.

Motion: To adopt the staff report as finding of fact and to _____ (approve or deny) variance (VAR1910) Mike Schaap Builders Inc., Adam Schaap, 12969 Greenly St., Holland, to have an attached accessory building (garage) with an area of 2069 square feet, a variance of 569 square feet from the maximum of 1500 square feet allowed in Sec. 3.4(E)(1), which states that a garage shall not exceed 60% of the gross floor area of the dwelling to which it is attached (6485 square feet), not to exceed 1500 square feet, in an (RR) Rural Residential district, on a parcel of land described as P.P. # 70-14-08-200-070, located at 3405 Bauer Rd., Georgetown Township, Ottawa County, Michigan; based on the finding that the request _____ (meets or does not meet) the seven standards of the ordinance. (If applicable) Specifically, standards (_____) have been _____ (met or not met) and the reasons are _____.

Failure to comply with the variance as granted results in a violation of the Zoning Ordinance section that is the subject of the request, which is Sec. 3.11.

Option for condition:

If the ZBA determines that the seven standards in Sec. 28.11 are met, this condition is offered as an option:

A condition of approval is added based on the determination that the seven standards of the ordinance are met relative to the large size of the parcel; therefore, the parcel shall remain a minimum of _____ acres should splitting or platting be requested in the future.