

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD DECEMBER 9, 2020

The meeting was called to order at 7:00 p.m. by Chairperson Tom Healy.

Members Present: Tom Healy, Michael Bosch, Kendall Grable, Kelly Kuiper
Members Absent: Brock Nanninga, Trevor Petroelje
Others Present: Victor Vuong, Secretary and Zoning Administrator, Mannette Minier

#201209-01 – Approval of the minutes

The minutes of the regular meeting held on September 25, 2019 were presented.

Moved by Michael Bosch, seconded by Kendall Grable, to approve the minutes as presented.

Yeas: Michael Bosch, Kendall Grable, Tom Healy

Nays: Kelly Kuiper

MOTION CARRIED.

#201209-02 – Election of Officers for 2021

Moved by Tom Healy, seconded by Kendall Grable, to elect Kelly Kuiper as vice-chairperson.

Yeas: Michael Bosch, Kendall Grable, Tom Healy, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#201209-03 – (VAR2001) Bruce Sackrison, 9796 Bend Dr., is requesting to locate an accessory building in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in an (AG) Agriculture district, on a parcel of land described as P.P. # 70-10-32-400-020, located at 9796 Bend Dr., Georgetown Township, Ottawa County, Michigan. ([Application](#), [Plan](#))

The Zoning Administrator presented a [staff report](#).

Bruce Sackrison presented the request, including the following comments. Bruce stated the staff report covered everything he was going to say.

Kelly Kuiper said she believes all the standards are met.

Michael Bosch had no comments.

Kendall Grable had no comments.

Tom Healy agreed with Kelly Kuiper that all standards are met. Tom suggested a change in the language of the motion to state that the location of the accessory building will be what Bruce Sackrison, the applicant, proposed in his application and plan.

Moved by Tom Healy, seconded by Kelly Kuiper, to adopt the staff report as finding of fact and to approve variance (VAR2001) Bruce Sackrison, 9796 Bend Dr., to locate an accessory building in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in an (AG) Agriculture district, on a parcel of land described as P.P. # 70-10-32-400-020, located at 9796 Bend Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance, with the condition that the accessory building shall meet all other ordinance requirements, including size, height, location on the lot (other than it may be in the front yard), and will be located as it is proposed on the application and plan as requested by the applicant which will put it away from the visibility of the street and neighbors.

Yeas: Michael Bosch, Kendall Grable, Kelly Kuiper, Tom Healy

Nays: None

MOTION CARRIED UNANIMOUSLY.

#201209-04 – (VAR2002) Todd Stuiwe, 8949 Cedarlake Dr., is requesting to have a 700 sf accessory building, a variance from Sec. 3.4(E)(2) which states that the maximum floor area of all accessory buildings, excluding attached garages, which are accessory to primary residential uses, shall be 600 square feet in a Low Density Residential (LDR) district; is requesting to have an accessory building with a mean height of sixteen (16) feet, a variance of two (2) feet from Sec. 3.4(G) which states that the maximum mean height of fourteen (14) feet is allowed in the LDR district; and is requesting to have an attached 143 sf covered patio/gazebo on the accessory building, a variance from Sec. 3.4(N) which states that one (1) freestanding gazebo of one hundred forty four (144) sf or less may be permitted in addition to accessory buildings permitted in subsection 3.4(E), (I), and (K), on a parcel of land described as P.P. #70-14-03-300-059, located at 8949 Cedarlake Dr., Georgetown Township, Ottawa County, Michigan. ([Application](#), [Narrative](#), [Plan](#), [Aerial](#), [700 sf Proposal](#), [16 ft Height Design](#), [Site Plan](#))

The Zoning Administrator presented a [staff report](#) and letters from neighbors supporting the request. ([Letter 1](#), [Letter 2](#))

Todd Stuiwe presented the request, including the following comments:

- His home is about the length of a football field from the lake.
- Neighbor to the south has an accessory building that is about 1,700 sf with two levels and the location of Todd's proposed accessory building will line up with the neighbor's accessory building so that the neighbor won't be able to see it.
- It will be a boat house as well so he said he would need a size large enough to fit a boat of about 27 feet with a trailer.
- It will be a 2-stall building so other things can be stored in there as well.
- There will be a small kitchenette as well for summer events.
- A bathroom/changing room will be in there as well.
- The 12/12 pitch roof will allow for adequate storage in the attic with a normal stairway for access.

- Asking for a covered patio so they can sit under the patio to be shielded from the sun.
- He stated the three (3) reasons why he wants to match the aesthetics of his home: the Zoning Ordinance, the developer requires him to match his home, and his own desire to match his home. It will match right down to the stone, roof, shingles, and other architectural features.
- The Encroachment Agreement from Ottawa County Water Resources Commission has been tentatively approved, pending approval of this variance request.
- This variance request would be permitted if his property was zoned (RR) Rural Residential.
- Requesting 700 sf with a 16 ft. mean height, but says there's an option for 673 sf with a 15 ft. mean height, but that is not ideal. Stated there are constructability issues due to truss systems when the mean height is reduced to 15 ft.
- The accessory building is 600 sf and the extra 100 sf is for the bathroom.
- A freestanding gazebo could be built an inch away and it would be permitted, so he just wants to attach it to the accessory building.

Kendall Grable asked if the setbacks are appropriate.

Todd Stuive confirmed the setbacks meet the Zoning Ordinance.

Michael Bosch had no questions.

Tom Healy asked if the accessory building next door is owned by the neighbor.

Todd Stuive confirmed that it is owned by the neighbor and it's been there since he moved in. The two parcels to the south are owned by the same person, one has the home and one has the accessory building.

Tom Healy asked if the accessory building is used by other people.

Todd Stuive clarified that about 20-30 people use the boat launch, not the accessory building.

The chairperson opened the floor to public comments. No one was present to make public comments. The chairperson closed the floor to public comments.

Kelly Kuiper had the following comments:

- She understands the variance request and thinks it makes sense in regards to functional goals and locational goals.
- Concerned that the variance is not the correct route for this situation. Stated that she's not sure that the property itself is exceptional enough that it denies property rights where an extra 100 sf to the accessory building is warranted. Believes this should be addressed in the ordinance rather than a variance request. Said if requests become a frequent occurrence, the ordinance regarding accessory buildings should be amended instead of variance requests so that this would be granted by right.
- Believes condition one (1) is the most important in this situation and wants to uphold this condition more than anything so that, "Granting the variance(s) will be in the public interest and will ensure that the spirit of the Ordinance shall be observed."
- Condition three (3), the lake makes it a unique circumstance in the way the property owner can use the lake.
- Condition five (5), if the property owner had a pool, he would be allowed additional square footage.
- Condition seven (7) is tough to prove.

- Thinks the Township should make an ordinance amendment so people in Todd Stuive's situation would be permitted this request by right rather than applying for a variance.

Tom Healy asked about the process of getting an ordinance amendment if this request is tabled.

Mannette Minier said it would have to go to the Planning Commission, most likely on January 20, 2021.

Tom Healy asked what the timeline would be.

Mannette Minier said the Planning Commission would have to initiate it at the January 20, 2021 meeting, then the notice has to be published 15 days prior to the public hearing, so it would be at a minimum 2 months.

Kendall Grable doesn't think this is a frequent occurrence because there's only been 6 other requests granted in the past 10 years.

Todd Stuive said the lot is unique, not because of the size, but because of its use. He doesn't think there are requests frequent enough from people in a similar situation as him. Stated that he understands the process of getting ordinance amendments and said they are not easy to get.

Mannette Minier noted that Todd Stuive would be allowed to have a 200 sf pool building if he had a 500 sf pool.

Tom Healy asked if the list of variances provided is exhaustive.

Victor Vuong stated the list of variances provided are for similar requests that were granted in the past 10 years.

Kelly Kuiper stated the list may not indicate everyone who've wanted a larger accessory building. Believes Todd Stuive may meet the standards, and that the entire Township with similar lot sizes could benefit from this situation if there's an ordinance amendment. Stated that people may be shying away from asking for such a variance request like this because of the possibility that they may not meet the standards.

Kendall Grable stated this lot is unique and doesn't believe many people are in a similar situation to ask for such a request.

Michael Bosch agreed with Kelly Kuiper that the ordinance may need to be amended. Stated Todd Stuive is allowed a 600 sf accessory building, but if he had a pool, he could have an additional 200 sf pool building. Stated this is a rare request and said it's up to the Planning Commission to revise the ordinance based on this situation but doesn't believe it's worth tabling and waiting a minimum of 2 months.

Tom Healy stated he's not in favor of tabling in large part due to the timetable involved. Believes the PC should consider some sort of graduated method to linking lot size to accessory building size and the uses of lakes and pools. Believes there's more property owners in the same situation as Todd Stuive and an ordinance amendment would remedy such a situation for the community.

Moved by Tom Healy, seconded by Michael Bosch, to adopt the staff report as finding of fact and to approve variance (VAR2002) Todd Stuve, 8949 Cedarlake Dr., to construct a 700 sf accessory building, a variance from Sec. 3.4(E)(2) which states that the maximum floor area of all accessory buildings, excluding attached garages, which are accessory to primary residential uses, shall be 600 square feet in the LDR district; to have an accessory building with a mean height of sixteen (16) feet, a variance of two (2) feet from 3.4(G) which states that the maximum mean height of fourteen (14) feet is allowed in the LDR district; and to have an attached 143 sf covered patio/gazebo on the accessory building, a variance from Sec. 3.4(N) which states that one (1) freestanding gazebo of one hundred forty four (144) sf or less may be permitted in addition to accessory buildings permitted in subsection 3.4(E), (I), and (K), on a parcel of land described as P.P. #70-14-03-300-059, located at 8949 Cedarlake Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance. With the following conditions:

1. The accessory building must be constructed as shown on the site plan and elevation presented.
2. The accessory building shall have a minimum of 73 sf variance OR maximum 100 sf variance to the floor area.
3. The accessory building shall have a minimum 1 foot variance OR maximum 2 foot variance to the mean height.
4. The accessory building shall have an attached 143 sf covered patio/gazebo.
5. The accessory building shall contain no residential use and no home occupation.
6. Approval of an Encroachment Agreement from Ottawa County Water Resources Commissioner prior to construction since the proposed location is within the drain's easement.

Tom Healy noted that the variance standards 3, 5, and 7 were met due to the size and uniqueness of the lot.

Moved by Tom Healy, seconded by Michael Bosch, to amend the motion to remove conditions 2 and 3.

MOTION FOR THE AMENDMENT TO REMOVE CONDITIONS 2 AND 3 CARRIED UNANIMOUSLY.

Moved by Tom Healy, seconded by Michael Bosch, to adopt the staff report as finding of fact and to approve variance (VAR2002) Todd Stuve, 8949 Cedarlake Dr., to construct a 700 sf accessory building, a variance from Sec. 3.4(E)(2) which states that the maximum floor area of all accessory buildings, excluding attached garages, which are accessory to primary residential uses, shall be 600 square feet in the LDR district; to have an accessory building with a mean height of sixteen (16) feet, a variance of two (2) feet from 3.4(G) which states that the maximum mean height of fourteen (14) feet is allowed in the LDR district; and to have an attached 143 sf covered patio/gazebo on the accessory building, a variance from Sec. 3.4(N) which states that one (1) freestanding gazebo of one hundred forty four (144) sf or less may be permitted in addition to accessory buildings permitted in subsection 3.4(E), (I), and (K), on a parcel of land described as P.P. #70-14-03-300-059, located at 8949 Cedarlake Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance. With the following conditions:

1. The accessory building must be constructed as shown on the site plan and elevation presented.
2. The accessory building shall have an attached 143 sf covered patio/gazebo.
3. The accessory building shall contain no residential use and no home occupation.

4. Approval of an Encroachment Agreement from Ottawa County Water Resources Commissioner prior to construction since the proposed location is within the drain's easement.

Yeas: Kelly Kuiper, Tom Healy, Kendall Grable, Michael Bosch

Nays: None

MOTION CARRIED UNANIMOUSLY.

Todd Stuve said in addition to the Planning Commission considering a size adjustment to the ordinance in regards to accessory buildings, it may be worth looking at making an amendment to the height requirements and restrictions as well because construction nowadays call for the increased height and that these amendments may help people down the road.

#201209-05 – Other Business

There was no other business at this time.

#201209-06 – Public Comments

No one was present to make public comments at this time.

#201209-07 – Adjournment

Moved by Kendall Grable, seconded by Michael Bosch, to adjourn the meeting at 8:16 p.m.

Yeas: Kelly Kuiper, Tom Healy, Kendall Grable, Michael Bosch

Nays: None

MOTION CARRIED UNANIMOUSLY.