

**WATERVLIET CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MEETING AND PUBLIC HEARING  
JULY 1, 2015**

Site Address: 8608 Orchard Dr.

Property #: 11-21-2220-0126-00-0

Variance requested by David Miller

Request: Mr. Miller is reconstructing a dwelling on the legal non-conforming footprint of a previous structure that did not have a garage. Mr. Miller wishes to add a garage to the new construction. The proposed garage will be at the northwest corner of the new home and its proposed dimensions are 26 feet by 26 feet.

According to Watervliet Charter Township Zoning Ordinance No. 50, Section 5.12 "Schedule of District Regulations, a mandatory roadside setback in this district is 35 feet. However, the proposed garage will come to within 18 feet of the Orchard Dr. right-of-way. As such, a variance of 17 feet from the above cited regulation will be needed for this structure to be built as requested.

ZBA membership present: Robert Wallace, Carl Spessard, Al Bodfish, Richard Hubona

Also present: Mr. & Mrs. George Paterson, Mr. & Mrs. Steven Myers, Cory Bulthuis, Dave Miller, Thomas Scheid, Diana Householder.

Vice-Chairman C. Spessard called the hearing to order at 2:06 p.m.

Roll Call was taken.

The minutes of the March 11, 2015 meeting were read. A. Bodfish made a motion to approve the minutes as read. R. Hubona seconded and the motion carried unanimously.

At this point R. Wallace made a motion to close out of regular session and enter into the scheduled public hearing. R. Hubona seconded and the motion carried unanimously. The public hearing was opened at 2:08 p.m.

After the public hearing was entered into, C. Spessard requested that D. Miller make his statement first. Miller stated that a drive-in basement was an original part of the design. He speculated that after the basement walls were poured the Township's building department inquired how all the storm water this underground garage had the potential of accumulating was going to be discharged. Miller said the original idea was to just let it

run down the bluff, but the Township told him that was unacceptable. Miller went on to say that if he could not have a drive-in basement he would prefer to have a garage instead. The below grade part of the house would be converted into a conventional basement and where the steep sloped driveway would have entered would be walled off and a garage would essentially be built over the area of where the drive would have been.

R. Wallace inquired as to how many stories the garage would be. Miller stated that the garage would only be one story but the house would be two. Miller then told the Board that he had an architectural drawing of the proposed structure if anyone on the Board wished to review it. R. Wallace stated that he would.

After review of the plan, Spessard then recognized G. Paterson. Paterson stated that with the proposed design of the structure, it would essentially block most of the view from his home to the east. He also added that the garage would be built very close to the road right at the bend of a curve, and felt that would be a detriment to opposing traffic as it would be a line of sight hindrance.

S. Myers being recognized by the Chair, concurred with G. Paterson regarding the traffic hazard the structure would have a potential of creating. Myers went on to state that the recent trend in building along Orchard Dr. have been structures that have adhered to the current zoning ordinance and further intimated the fact that the request may be too large by stating; "In my opinion this is a rather large variance request. It isn't a couple of feet it's five feet. It's half the distance to the street." Myers further added that the original legal non-conforming foot print was quite large and, as such, he felt that the proposed garage should incorporate part of that legal non-conforming envelope to avoid the need for such an extensive variance.

C. Myers then stated that she owns the property across the street from the Miller property and fronts on Little Paw Paw Ave. She said that when she purchased the property she was told by the realtor that the township deemed most of the comprising lots unbuildable. She added that she appreciated that the zoning laws were composed in such a way as to alleviate congestion around the lake. She also voiced concern over safety, citing the fact that many of the itinerant property owners do not readily observe safety standards and that the garage, being so close to the road on a curve, may exacerbate that hazard. Chairman Spessard then requested that submitted written correspondence be read into the record. That correspondence, submitted by Angelo Perri - 8612 Orchard Dr., is attached to these minutes.

With there being no further comment from the audience, C. Spessard entertained a motion to close out of the public hearing and move back into regular session.

R. Wallace made a motion to close the public hearing and reenter the meeting. R. Hubona seconded and the motion carried unanimously.

The public hearing was closed at 2:18 p.m.

Back in regular session, R. Wallace stated; "Going over the 4 points, 1 and 2 could go either way. The third point of being not the fault of the property owner, it could be argued that you bought that house knowing you could build on the footprint. I don't think you did your homework before you bought that house."

D. Miller retorted that, in his opinion, he did research the project sufficiently by speaking several times with the Township; that there are numerous structures on the "hill" that are

just a few feet off the lot line and added that he didn't feel the road was a high volume, high speed thoroughfare. He added that he felt the garage was the most expedient means of solving the problem. R. Wallace stated that you could still have your garage where it is. Miller said he thought he was accommodating the Township by pursuing the garage. Wallace said; "It's not that you're just asking for a garage. It's almost the size of the house in these plans here."

C. Spessard stated that the size of the lot certainly didn't support the size of the house planned along with the size of the garage requested and added that there are still options available where Miller could utilize the current in-ground garage with proper drainage methods. Spessard added; "Just because you want to build the garage doesn't mean you get the variance to do so without meeting the other criteria."

A. Bodfish said that he visited the site, conducted some measurements and viewed the overall character of the neighborhood and concluded: "I'm on the other side of the fence. I support this."

R. Hubona stated that he felt the size of the garage in the submitted plan was too large and that, if Miller insisted on having a garage, it could be much smaller than requested, noting that a two car garage is 24'X24'.

With there being no further comment or discussion, R. Wallace made a motion to deny the variance as requested. R. Hubona seconded. A roll call vote is as follows:

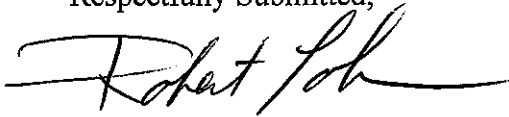
R. Hubona, yea; A. Bodfish, nay; R. Wallace, yea; C. Spessard, yea.

Motion carried by a majority of the membership.

With no further business to be brought before the Board, A. Bodfish made a motion to adjourn. R. Hubona seconded and the motion carried unanimously.

The meeting was adjourned at 2:26 p.m.

Respectfully Submitted,



Robert Lohr  
Zoning Administrator