

CHARTER TOWNSHIP OF LOWELL  
ZONING BOARD OF APPEALS

VARIANCE HEARING  
FEBRUARY 3, 2011

PRESENT: Jones, Clements, Mayhew, Bonn, Thompson

CITIZENS IN ATTENDANCE: Ben Bosworth

The meeting of the Lowell Township Zoning Board of Appeals was called to order by Chairperson Clements at 7:00 pm.

APPROVAL OF AGENDA: Mr. Thompson moved to approve the agenda as written. Mr. Jones seconded the motion. All in favor the motion passed.

PUBLIC HEARING:

Mrs. Mayhew read the notice into the record.

Mr. Bosworth presented the sight map and drawings of the proposed porch. The discussion established all the measurements. The distance from the house to the existing fence is 25 feet. The house stands 25 feet from the road right of way. The porch would be 17 feet from the right of way. The porch will be 8 feet by 8 feet with the overhang.

Mr. Bonn questioned the elevation. Mr. Bosworth clarified that the porch will be at grade.

Mr. Jones visited the property. He spoke to neighbor Bill Kincaid who said he would like to see anything that would help. Mr. Jones pointed out that all the houses in the area are nonconforming. Neighbor Kathy Oxenburg of 14166 Grand River Dr. wrote that she would like to see Misty have a porch. Mr. Bonn suggested the breezeway would be an appropriate entry. Mr. Bosworth said the 8 inch step into the breezeway rules that out. Mr. Bonn said the front of the house to the east is about flush with the Cope house.

Chairperson Clements noted the porch will be behind the 4 foot picket fence.

Mr. Bosworth said the Physical Therapist and Occupational Therapist from Mary Free Bed recommended sidewalk installation which will happen in the spring. Note was made of Mr. Bosworth's experience working with Mary Free Bed making homes handicap accessible.

Mr. Thompson did not feel the porch addition would be of any detriment to the neighborhood.

Chairperson Clements opened and closed the meeting for public comment and closed the Public Hearing.

APPROVAL OF MINUTES:

Mr. Thompson requested the removal of the third and fifth paragraphs of the second page of the minutes dated December 16, 2010. Mr. Jones moved to accept the minutes as corrected. Mr. Thompson seconded the motion and with all in favor the motion was approved.

## DISCUSSION OF THE VARIANCE REQUEST:

Points made in the discussion included the fact that the comments from neighbors were positive and that the porch addition would not be a detriment to the neighborhood.

CRITERIA 1: Whether strict compliance with the requirements for area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such requirements unnecessarily burdensome.

Mr. Thompson's view was that in view of the small lots and nonconformity of the area requiring strict compliance with the requirements would be burdensome.

CRITERIA 2: Whether granting the variance requested or a lesser variance where feasible would do substantial justice to the applicant as well as to other property owners in the district without altering the essential character of the neighborhood.

Because the porch addition would not alter the neighborhood it was agreed the second criteria was met.

CRITERIA 3: Whether the plight of the landowner is due to the unique circumstance of the property.

Again because of the nonconformity of the neighborhood it was felt the third criteria was met.

CRITERIA 4: Whether the problem is self-created.

The problem was not self-created. The location and the nonconformity of the area created the issue.

Chairperson Clements clarified that all four criteria had been met. Mr. Thompson moved to grant the variance. Mr. Jones seconded the motion. Chairperson Clements requested a roll call vote:

Cliff Bonn – aye

Mary Mayhew – aye

Tim Clements – aye

Bill Thompson – aye

Ray Jones – aye

The variance request is granted.

Chairperson Clements opened and closed the meeting for public comment at 7:30 pm.

General discussion followed and included the next meeting date which will be Wednesday, April 27, 2011.

Mr. Thompson made a motion to adjourn and it was seconded by Mr. Jones. Chairperson Clements adjourned the hearing at 8:00pm.

Submitted \_\_\_\_\_  
Mary Mayhew, Secretary

Approved \_\_\_\_\_