

Rutland Charter Township Zoning Board of Appeals Special Meeting and Public Hearing

Thursday, June 30, 2022

Meeting Called to order at 7pm by Chairperson Haywood

Pledge of Allegiance

Roll Call

Members Present:

Larry Haywood, Robin Hawthorne, Dave Beckwith, Eric Miller, Jim James

Members Absent:

None

Others Present:

Les Raymond, Larry Watson, Gene Hall, Craig Rolfe, Fred SaintAmour, Steve Storres, Pat Sharpe, Steve Pachulski, Robert Tazelaar, Wendy Frame

Agenda Approval

Motion by Hawthorne to accept agenda with one correction, to add Attorney comments to Agenda before Public Comments. Second by James. All ayes, motion carries.

Meeting Minute Approval - August 19, 2021

Motion by James to approve meeting minutes from August 19, 2021 second by Beckwith. All ayes, motion carries.

Attorney Comments

Attorney Rolfe explains that this is a request from the applicant to appeal the administrative determination of the Zoning Administrator and not a variance request. Rolfe states that the criteria and standards for this one is different than a variance request.

Rolfe states that on August 19, 2021 Fred SaintAmour, the lot owner, came before the ZBA to request a variance to allow him to create a new lake front lot with less than the required 100' of frontage on the lake. The ZBA denied his variance at that time. That part of this issue is done now and has no bearing on the issue at hand now.

Mr. SaintAmour came back to the Zoning Administrator with a new reconfiguration of his property to create a new parcel that is now a corner lot. This new lot will have 30' of frontage on the lake. SaintAmour is contending that as a corner lot it does not fall under

the same criteria as a lot that abuts only one street 220:2:9 Lot Line, Front paragraph "A" .

A. Where a lot abuts only one public street, or lawful private road/shared driveway, the front lot line shall be the line separating the lot from the right-of-way of the street or lawful private road/shared driveway: except where a lot has frontage on a lake, river, or other navigable waterway, the front lot line shall be the boundary line abutting the water.

SaintAmour petition states that paragraph "B" pertaining to corner lots does not contain the same exception verbiage pertaining to lake front lots that paragraph "A" does.

No Public Comment

Zoning Administrators Comments

In regards to the application for a proposed reconfiguration of a metes and bounds parcel known as 1919 Ottawa Trail (Parcel # 08-13-001-022-00) and platted lots 47-49 of the recorded plat of Al-Gon-Quin Estates, commonly known as 2114 Island Drive (parcel #08-13-040-028-00) and part of lot 1 of the recorded plat Buena Vista Heights and a gap parcel (08-13-001-GAP-00) as to create a new parcel with 30' of frontage/width on Algonquin Lake:

My denial judgement was based on Article XV, Schedule of Regulations of the Rutland Charter Township Code, which requires a minimum lot width of 100 feet in the Medium Density Residential District. Lot Line Front which is defined in 220:2:10 A: "except where a lot has frontage on a lake, river, or other navigable waterway, the front line shall be the boundary line abutting the water"

Raymond states he did not consider the corner lot portion of front lot line verbiage to be applicable as it states in our code section 220:2:10 paragraph "A" "all lake front lots". That is how all setbacks and etc. on all waterfront lots in Rutland Township are factored in no matter where they are located.

No Old Business

New Business

Motion was made and approved to move the Election of Officers to after the conclusion of the Public Hearing

Public Hearing - Opened at 7:40pm

Application from Frederic SaintAmour to appeal the determination of the Zoning Administrator on the 100ft frontage requirement on his proposed lake front lot.

Open Comment:

Frederic SaintAmour addresses the ZBA:

- States that he is a lake resident and a past Lake Board member

- Purchased this property and is refurbishing it.
- States it is not “keyholing” to approve this as this lot already has lake access at the Association Lot with docking rights. Will not create more density on the lake.
- Feels the intent of the 100’ requirement is to keep the density of the lake traffic down.
- States that his new configuration of his new proposed lot complies with paragraph “B” and the corner lot verbiage allowing him to create a lot with less than the 100’ frontage requirement due to the “lake lot exception” not being included in paragraph “B”.

Steve Storrs states the intent portion is not clearly defined. He feels that if the people writing the ordinance originally wanted the lake front 100’ requirement in paragraph “B” it would have been included in there then. Paragraph “B” defines a corner lot and therefore allows the requested 30’ split at the lake.

Pat Sharpe feels that this would be a mistake as there are other corner lots on the lake that might be affected. Rolfe answers that the applicant is only referring to his lot only but it could also affect other potential corner lots in the future.

Wendy Frame is concerned about what might happen in the future as other people attempt to do the same thing. These lots SaintAmour wants to combine to make into one lot are not lake front lots. None of them have lake frontage now.

Rob Tazelarr feels the Zoning Administrator is correct in his finding on this and totally agrees with him. The 100’ requirement on lake front lots was meant to pertain to both paragraphs “A” and “B” and was an oversight at the time the ordinance was written.

Steve Pachulski questions what a gap parcel is and is it an access to the lake. Raymond responds no, those access points are called parkways. Pachulski also asks which of the three original parcels has the deeded lake access. Hawthorne responds the one with the existing house on it. (Lot 47) He also thinks that having the driveway to the applicant’s house at 1919 Ottawa Trail that would require an easement through the parcel he is creating is not a good idea.

Raymond states that there are no other lake front parcels on Algonquin Lake, which are not parkways that have only 30’ of frontage on the lake.

Public Comment - closed at 8:20 pm

Board Deliberations:

Hawthorne states that she feels the only reason that the corner lot definition is under Lot Line - Front at all is so that a corner lot would not be required to have 100’ of frontage on both streets it faces so putting that same “except clause “for lake front lots from “A” into “B” would be redundant. A lake front lot requires 100’ of frontage whether it’s a corner lot or an octagon lot or a diamond shaped lot. A lake front lot is a lake front lot no matter the shape or position and requires 100’ of frontage.

Beckwith feels that the driveway running through the other parcels to get to 1919 Ottawa Trail is not a good idea. He also believes 30’ lake frontage is not enough and could become a precedent.

Haywood states he feels this whole thing is key-holing pure and simple and sides with the Zoning Administrator.

Miller feels that paragraph “A” is the one that should be gone by when deciding frontage on a lake lot and that paragraph “B” does not come into play.

James agrees with the other ZBA members and wonders what the depth requirement would be. Rolfe responds that the depth is not set in the ordinance and would be a Zoning Administrator determination of a reasonable figure not something like 12 inches or so.

Beckwith wonders if the corner lot by itself and not combined with the other parcels would be a buildable corner lot. Raymond responds that yes it would be.

Chairperson Haywood states that the question before this board tonight is whether to uphold the Zoning Administrator's determination of the Lot Line –Front definition as it pertains to all lake lots or to use paragraph "B" if a corner lot is involved. Haywood asks for any additional comments. Hearing none. Haywood asks for a motion.

Miller makes a motion to uphold and affirms the Zoning Administrator's decision. Seconded by Hawthorne.

Roll Call:

James affirms the Zoning Administrator's decision

Beckwith affirms the Zoning Administrator's decision

Miller affirms the Zoning Administrator's decision

Haywood affirms the Zoning Administrator's decision

Hawthorne affirms the Zoning Administrator's decision

Motion passes

Haywood opens the floor for Public Comment. NONE

Election of Officers:

Hawthorne makes a motion to keep the same officers. Haywood Chairperson Miller Vice Chairperson Second by James. Roll Call :

Ayes: James, Beckwith, Miller, Haywood, Hawthorne

Nays: None

Motion Passes.

Adjournment

Motion by James to adjourn second by Beckwith All ayes, meeting adjourned at 9:00 pm