



Zoning Board of Appeals

Bruce Douglas, Chairperson
Michael Mitchell, Vice-Chairperson
Alberta Falter, Member

Denise M. O'Connell, Trustee
Melanie Bartley, Member
James Bunn, Alternate

**ZONING BOARD OF APPEALS
SPECIAL MEETING
November 15, 2023
7:00 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the By-Laws and Election of Officers
 - a. Hartland Township Zoning Board of Appeals Rules and Procedures (Bylaws)
 - b. Election of Officers
5. Approval of the Agenda
6. Approval of Meeting Minutes
 - a. Special Meeting Minutes of August 17, 2022
7. Public Hearing
 - a. Zoning Board of Appeals Application #23-001
Applicant: Jeffrey Lawrence, 1831 Lakena
8. Other Matters to be Review by the Zoning Board of Appeals
 - a. 2023 ZBA Meeting Calendar
 - b. 2024 ZBA Meeting Calendar
9. Report of the Planning Commission Representative
10. Call to Public
11. Adjournment

Hartland Township Zoning Board of Appeals Rules and Procedures (Bylaws)

(Adopted November 15, 2023)

The following rules of procedure are hereby adopted by the Hartland Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq.

SECTION 1: Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq.
- B. Provide oversight on the annual budget for the Zoning Board of Appeals' activities.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the Township Board, as needed.
- D. Perform other duties and responsibilities as requested by the Township Board or as may be specified in another township ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

SECTION 2: Officers

- A. **Selection and Tenure** - At the first regular meeting of each year, the Zoning Board of Appeals shall select from its membership a Chairperson and Vice Chairperson. An elected township official shall not serve as Chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. **Chairperson** - The Chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the Zoning Board of Appeals or Township Board.
- C. **Vice Chairperson** - The Vice Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of Vice Chairperson for the unexpired term.

SECTION 3: Secretary

- A. **Duties and Responsibilities** - The Township Clerk shall be responsible for acting as secretary or providing secretarial services for the Zoning Board of Appeals. The secretary shall execute documents in the name of the Zoning Board of Appeals, perform duties hereinafter listed below and shall perform such other duties as the Zoning Board of Appeals may determine.
 1. **Minutes** - The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 2. **Attendance** - The secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals for inclusion in the annual report to the Township Board.
 3. **Correspondence** - All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the Zoning Board of Appeals.

SECTION 4: Township Board Representative

- A. Duties and Responsibilities** - The Township Board Representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Township Board and update the Zoning Board of Appeals on actions by the Township Board that relate to the functions and duties of the Zoning Board of Appeals.

SECTION 5: Planning Commission Representative

- A. Duties and Responsibilities** - The Planning Commission Representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

SECTION 6: Zoning Administrator

A. Duties and Responsibilities

1. **Correspondence** - The Zoning Administrator shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Zoning Board of Appeals. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the Zoning Board of Appeals.
2. **Notices** - The Zoning Administrator shall issue notices in accordance with the zoning ordinance for all Zoning Board of Appeals' cases.
3. **Coordination** - The Zoning Board of Appeals shall be assisted by the Zoning Administrator in performing the duties of the Zoning Board of Appeals, as noted in Section 1, including but not limited to, processing applications for review, attending Zoning Board of Appeals meetings, preparing and forwarding written reviews on all applications at least one week prior to the scheduled meeting, prepare an annual budget for the Zoning Board of Appeals' activities and submit to the Township Board and perform other duties as may be directed by the Zoning Board of Appeals.

SECTION 7: Other Professional Services

- A. Duties and Responsibilities** - The Zoning Board of Appeals may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township engineer or other person or agency.

SECTION 8: Meetings

- A. Meetings** -The regular meeting of the Zoning Board of Appeals will be held the third Wednesday of every month at a time to be determined by the Zoning Board of Appeals at the meeting in which the regular meeting schedule is adopted or as otherwise designated by the Chair of the Zoning Board of Appeals. When a regular meeting day falls on a legal holiday or when an occasion of special importance takes place, the Chair shall select a suitable alternative day in the same month. Prior to the end of the year, the Zoning Administrator will submit to the Zoning Board of Appeals the regular meeting schedule for the upcoming year, for their approval.
- B. Notice** - Meetings shall be noticed in accordance with the requirements of the zoning ordinance. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.
- C. Public Records** - All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum** - A majority of the membership of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members is present.
- E. Voting** - To pass or deny any variance, appeal or other official action required by the zoning ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board

of Appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chairperson. Except in the case of conflict, all Zoning Board of Appeals members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.

F. Agenda - The Chairperson shall be responsible for preparing an agenda for Zoning Board of Appeals meetings. The order of business for meetings shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Meeting Agenda
5. Approval of Meeting Minutes
6. Public Hearing
7. Other Matters to be Reviewed by the Zoning Board of Appeals
 - a. Correspondence Received
 - b. Zoning Board of Appeals Members
8. Report of Planning Commission Representative
9. Call to Public
10. Adjournment

G. Public Hearings - All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals. The following rules of procedure shall apply to public hearings held by the Zoning Board of Appeals:

1. Chairperson opens public hearing and announces the subject.
2. Chairperson summarizes procedures/rules to be followed during the hearing.
3. Applicant presents request.
4. Township Zoning Administrator and/or representative presents a summary or analysis of the request.
5. Persons wishing to comment on the request are recognized.
6. Chairperson closes public hearing and returns to the regular/special meeting.
7. Zoning Board of Appeals deliberates and decides.

To ensure that everyone has the opportunity to speak, the Zoning Board of Appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments. All comments by the public and the Zoning Board of Appeals shall be directed to the Chairperson.

H. Special Meetings - Applicants to the Zoning Board of Appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings shall also be noticed as required by the Michigan Zoning Enabling Act, as amended, the Open Meetings Act and these bylaws.

SECTION 9: Absences, Removals, Resignations, Vacancies and Alternates

- A.** To be excused, Zoning Board of Appeals members shall notify the Township Supervisor, Zoning Board of Appeals Chairperson or Zoning Administrator when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B.** Members of the Zoning Board of Appeals may be removed by the Township Board, after written charges have been prepared and a hearing conducted, for nonperformance of duty,

misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent for one or more meetings.

- C. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Supervisor, Township Board or Zoning Board of Appeals Chairperson.
- D. Vacancies shall be filled by the Township Board within one month of resignation or removal of a member of the Zoning Board of Appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with the term as Planning Commissioner.
- E. The Township Board may appoint not more than two alternates to the Zoning Board of Appeals. The alternate member may be called to sit as a regular member as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

SECTION 10: Conflict of Interest

- A. Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 - 1. A relative or other family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision;
 - 2. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
 - 3. The Zoning Board of Appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
- B. The Zoning Board of Appeals member declaring a conflict of interest should state the nature of the conflict and whether he/she believes he or she could impartially consider the request before the Zoning Board of Appeals. He/she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his/her constitutionally protected rights to participate. He/she should not make any presentations to the Zoning Board of Appeals as a representative of the proposal.

SECTION 11: Amendments

These bylaws may be amended at any meeting by a vote of a majority of the membership of the Zoning Board of Appeals.

Adopted by the Hartland Township Zoning Board of Appeals at a special meeting on November 15, 2023.

**Zoning Board of Appeals
Special Meeting Minutes
Date: August 17, 2022 at 7:00 p.m.
Hartland Township Hall**

This is a Draft until Final Approval

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Vice Chair Mitchell.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

Members Present: Douglass, Mitchell, O'Connell, Seguin
Members Absent: Falter
Also present: Troy Langer, Township Planning Director.

4. APPROVAL OF THE BY-LAWS AND ELECTION OF OFFICERS

a. By-Laws

Planning Director Troy Langer stated there were no changes to the Hartland Township Zoning Board of Appeals Rules and Procedures (By-Laws) from the previous year.

Move to Approve the Hartland Township Zoning Board of Appeals By-Laws.

Motion: Mitchell Second: O'Connell Voice Vote: Motion Carried 4-0-1

b. Election of Officers

Director Langer stated that Alberta Falter is the current Chair and Mike Mitchell is the Vice Chair.

Move to approve Bruce Douglass as Chair and Mike Mitchell as Vice Chair.

Motion: O'Connell Second: Seguin Voice Vote: Motion Carried 4-0-1

5. APPROVAL OF THE MEETING AGENDA:

Move to approve the August 17, 2022 Zoning Board of Appeals meeting agenda as presented.

Motion: O'Connell. Second: Mitchell. Voice Vote: Motion Carried 4-0-1

6. APPROVAL OF MEETING MINUTES:

Move to approve the May 19, 2021 ZBA meeting minutes.

Motion: Mitchell. Second: O’Connell. Voice Vote: Motion Carried 4-0-1

7. PUBLIC HEARING:

A. Zoning Board of Appeals Application #22-001.

Applicant: Sanford Cook
Property Owner: Sanford Cook
Present: Tim McCotter, McCotter Architectural and Design, PLLC

Location:

The property is located at 5989 Mabley Hill Road, Fenton, MI 48430 (Parcel ID# 4708-02-101-058)

Variance Requested

The applicant is requesting a variance from Section 7.2.4.C of the Zoning Ordinance, to add onto a non-conforming structure. The applicant intends to remove an existing sunroom and construct a new sunroom to an existing non-conforming residential structure. The following is a summary of the non-conformity (existing and proposed sunroom):

Location	Required Side Setback	Existing/Proposed Side Setback	Amount of non-conformity
Existing sunroom	10 feet	9.0 feet (existing)	1.0 feet
Proposed sunroom	10 feet	9.0 feet (proposed)	1.0 feet
Existing House	10 feet	7.0 feet (existing)	3.0 feet (*)

(*) Existing House was approved for a variance in 1997.

Open the Public Hearing at 7:05 p.m.

Director Langer provided a summary of the Planning Department Memorandum of July 13, 2022 giving a brief description of the location of the house and the Site plan that was submitted by the applicant. He stated the house was built around 1945 and there was an addition built in 1997 to the street side, and the garage. The area being discussed is on the lake side and he presented photos of the house showing the existing sunroom with a deck on top of the structure. He stated that the foundation under this sunroom is failing and there are no repairs that can be made. He noted that they would have to tear down this portion of the home and install a new foundation and then reconstruct this portion of the house. The applicant wants to do this and have a deck on the second level. Director Langer stated the existing house is considered non-conforming and the house is seven feet from the side property line where the requirement is ten feet. He stated that the photographs show that the current sunroom bumps in a bit and is nine feet from the property line which still does not meet the ten foot

requirement. The applicant wants to rebuild this structure but extend it out four feet. As indicated on the survey the proposed addition would require a one foot variance on the south side of the proposed structure. He stated the current deck on the ground level would be removed and replaced with a patio and that this area would not require a variance.

Douglass: Thanked Director Langer for the overview and his work on this matter and stated what he always wants to know is how much the Planning Department worked with the applicant to try and make things work out. He stated that they work a lot with the lakefront homes as most of them are non-conforming and that they understand the lot limitations.

Seguin: Stated he drove out to the house to view it first hand.

Douglass: Invited the applicant forward to present his variance request.

Tim McCotter of McCotter Architecture and Design, PLLC came forward.

McCotter: Apologize for the applicant not being present but a death in the family took him out of state at the last minute. He stated the applicant purchased the house about a year ago and at the time did not realize that the neighboring homes drained into his yard. He stated the house is actually a slab on grade house and the main house was built in the forties and that he cannot raise the slab as someone has already invested the money to renovate the house on the slab. He stated the applicant was fine with that and that he was doing some other things to remediate the foundation and stabilize the main portion of the house. This spring he had water coming in to the finished front room of the house and upon investigation found that this was a sunroom that was one half built on a slab on grade and the other half on just wood on dirt. The water was coming through under the slab right on to the floor and when they dug under the slab they found there were no footings and the walls were damaged to about four feet up. He stated there was not enough left of this structure to salvage and they would have to pull the structure down. The applicant inquired that if he had to spend the money to pull the structure down and have it rebuilt, could he get an extra couple of feet added to the structure to make the room usable. Mr. McCotter stated that this would put them one foot over the setback requirement. He stated that they understood that if they don't expand and that they are just rebuilding an existing structure they would be fine. If they were to expand they looked at how they could shrink back the one foot variance. When they looked at this, the upstairs windows lined up and the inside of the house lined up and a one foot movement would change a lot of things inside the house.

Douglass: Stated the photograph shows three or four posts that were cut off just outside the lower level patio door and inquired as to what was previously there at that spot.

McCotter: That was what was holding the deck. The deck was removed to figure out why there was water leaking into the house. He stated the applicant had taken the deck out already with the intentions of putting a patio back in later.

Director Langer: Stated that we had talked with the applicant about if they were to reconstruct this structure why not bring it in a foot to comply with the requirements. He stated that from the photos, if you bring the railing system of the structure in a foot there are upper level windows that complicate the situation. You would have to consider pulling out windows, and to

figure out how to work around all of these types of issues. There was not a cheap reasonable solution to bringing it in a foot and this why the applicant is here requesting a waiver.

Douglass: Stated that this was a non-conforming house anyway and the least we have given would be a foot in the past. As much trouble as they are having, we try not to make it worse than it is and if you are only doing this once it will make it last longer. He asked the remaining members of the Board if they had any questions.

O'Connell: Not at all.

Seguin: No, it is clear to him.

Mitchell: Stated he had no questions and felt the applicant had quite a mess on his hands.

Douglass: Stated the applicant probably didn't have the vision that Mr. McCotter or himself would have had when he bought the place.

McCotter: Stated he felt the same way the minute he walked out onto the site.

Seguin: Inquired as to whether the applicant had a home inspection done.

McCotter: Stated on the main portion of the house they had to go around and excavate down to lower the grade and put in a drain cup system to get the water away and put insulation to protect the footings because the footing were all shallow. They then had to put in retaining walls to essentially hold the neighbors water back and put padding in to protect the insulation to keep the house dry and from moving.

Mitchell: Stated he sees the trenching.

Seguin: Inquired as to whether the applicant had a home inspection when he bought it.

McCotter: Stated he did not know if he did or not.

Douglass: Inquired if there were any further question and if not he will call for a motion.

Closed the Public Hearing at 7:16 p.m.

Move to approve Zoning Board of Appeals application #22-001, a request for a variance to add onto a non-conforming structure, as outlined in Section 7.2.4.C. of the Hartland Township Code of Ordinance, for the property addressed as 5989 Mabley Hill Road, Parcel ID #4708-02-101-058, based on a finding of the following:

- 1. Strict compliance with the zoning standard would be unnecessarily burdensome to the owner and his ability to construct a similar structure in the same location with minimal impacts to the house.**
- 2. Building the sunroom in the same location as the current sunroom will provide substantial justice to the owner as it will provide additional living area and maintain**

the connection to the main house with minimal impacts to that structure. Alternate designs are not practicable to be considered that could provide compliance with the required setbacks and still provide substantial justice to the applicant.

3. Granting a lesser variance will limit the size of the floor area/living space and will not give substantial relief to the applicant or be consistent with justice to other property owners.
4. Unique circumstances exist on the subject site that would restrict the applicant from meeting the required setback standards. The lot is a non-conforming lot regarding lot area and the existing structure/house is non-conforming relative to the side yard setback.
5. The circumstances are not self-created as the lot was created in 1948 and the building was constructed in 1945 in its current location. The size of the lot and placement of the existing structure limits the options for an addition to the existing building that would be in compliance with the required setback.

Decision of the variance request:

The approval of the variance was based on the site plan, prepared by McCotter Architecture and Design dated June 13, 2022, and materials submitted by the applicant and presented before the Zoning Board of Appeals. Any modification that would affect the intent of the variance would require approval by the Zoning Board of Appeals. The effective date for the variance is August 17, 2022, the date the Zoning Board of Appeals approved the variance.

Motion: Douglass Second: Seguin Voice vote: Motion Carried 4-0-1

8. OTHER MATTERS TO BE REVIEWED BY THE ZONING BOARD OF APPEALS

Move to approve the 2022 ZBA Calendar.

Motion: Douglass Second: Mitchell Voice vote: Motion Carried 4-0-1

9. REPORT OF THE PLANNING COMMISSION REPRESENTATIVE

Commissioner Mitchell reported that there are several new businesses going in citing the building near Meijer's that will be a two tenant building with Starbuck's as one tenant and an unknown tenant at this time, and the three tenant structure on the former Dairy Queen site of which Dairy Queen will be one tenant with two unknown tenants at this time. He also mentioned the two tenant building being constructed in front of the Bella Vita Senior Living location with one of the tenant being Hungry Howie's and the other unknown at this time. He stated several housing developments have come before the Planning Commission and the Township Board. These include Redwood Homes on the original 18 holes of the Hartland Glen golf course, the northeast corner of M-59 and Hacker Rd., and a 36 home development behind Bella Vita Senior Living. There was also a gas station approved for the US-23 and Clyde intersection. Commission Douglass inquired as to the property located next to the Target and

Commissioner Mitchell stated they have come in with a revised site plan that indicated proposed additional anchor stores. Commissioner Douglass also inquired as to the condominium project behind Target and Commissioner Mitchell stated that a third developer has taken over this project. Director Langer stated there is still a lot of building to be done at this project. Commission Seguin inquired about Mayberry Homes at M-59 and Pleasant Valley. Commissioner Mitchell stated the Planning Commission has not seen any plans for this site recently. Commissioner Douglass inquired as to the black pipe out on M-59 and Commissioner Mitchell stated this was the water line that would extend to Hartland Glen.

10. CALL TO THE PUBLIC:

No one came forward

11. ADJOURNMENT:

Move to adjourn the meeting at 7:30 p.m

Motion: Douglass. Second: Seguin. Voice Vote: Motion Carried 4-0-1

Respectfully Submitted,

Larry N.. Ciofu, Clerk
Hartland Township



Board of Trustees

William J. Fountain, Supervisor
Larry N. Ciofu, Clerk
Kathleen A. Horning, Treasurer

Matthew J. Germane, Trustee
Summer L. McMullen, Trustee
Denise M. O'Connell, Trustee
Joseph M. Petrucci, Trustee

MEMORANDUM

DATE: November 8, 2023
TO: Hartland Township Zoning Board of Appeals
FROM: Planning Department

SUBJECT: Zoning Board of Appeals Application #23-001 requesting to add onto a non-conforming building. The applicant intends to construct a 2-story addition onto an existing non-conforming building. The addition includes a 2-stall garage on the first floor and living areas on the second floor. The property is located at 1831 Lakena Street, Hartland, MI 48353 (Parcel ID# 4708-27-101-086).

General Information

Applicant/Property Owner: Jeffrey Lawrence

Subject Property: 1831 Lakena Street
Hartland, MI 48353
Parcel ID# 4708-27-101-086

Property Information

The property, addressed as 1831 Lakena Street, is in the Three Lake Subdivision (Lot 86). The residential subdivision was platted in 1925. Lot 86 is a corner lot with approximately 232 feet of frontage (lot width) along Lakena Street and approximately 108 feet of frontage (lot width) along Shoreline Drive. The lot depth along the west property line is approximately 176.9 feet. The property contains approximately 0.440 acres or 19,166 square feet of land. The existing 2-story residential building is approximately 2,800 square feet in size (1,400 square feet per floor).

Background Information

The following information gives some background history associated with the subject site:

- Three Lake Subdivision was platted in 1925.
- Per the Township Assessing records the building was built in 1930 however a land use permit and plans were not found in the Township files.
- In 1965, the Livingston County Building Department issued a building permit for an addition to the building (10' by 12') under Permit #6923.
- In 1969 Land Use Permit #106 was issued for a sign (4' by 8') to be posted along M-59 for Ozzie's Market.
- In 1985, Land Use Permit #1507 was issued to add a truss roof to the building and an addition to square off the building.

- Based on the 1970 Hartland Township zoning map the property was zoned UR-1 (Urban Residential District) at that time. The 1987 Township zoning map (section map for Section 27) shows the property zoned as HC (Highway Commercial), under Zoning Ordinance No. 22. Adjacent properties are shown as being zoned SR (Suburban Residential).
- In May 1998, the Hartland Township Zoning Ordinance No. 37 and Zoning Map were adopted. Based on file information the subject site is shown as SR (Suburban Residential). Staff was unable to locate any records or applications related to a rezoning case for this specific property.
- Historically the one-story, concrete block building has been used for several types of commercial businesses such as a party store, craft store, meat market, and meat processing, including seasonal deer processing. A commercial use was in place when the property changed from a commercial designation (HC) to single family residential (SR) in 1998. Since 1998, the commercial use of seasonal deer processing was allowed to continue as a lawful non-conforming use in a residential district. Previous businesses that occupied the building included Ozzie's Meats and Olson Meats.
- In August and September 1999, the Zoning Board of Appeals reviewed a variance request under Zoning Board of Appeals Case No. 431, to modify the existing non-conforming use (seasonal deer processing) to another commercial use. The applicant/current property owner intended to sell the property to an electrical company who would utilize the building as an office and warehouse for the electrical business. Eight employees would work out of the building and several delivery trucks to the site were anticipated each day.
- On September 15, 1999, the Zoning Board of Appeals denied ZBA Case No. 431 based on the fact that the intended use did not fall within the guidelines of the Zoning Ordinance, Section 4.02K, (Zoning Ordinance No. 37) or the uses allowed in the current zoning classification of SR. Under Section 4.02K, (Zoning Ordinance No. 37) entitled Substitution, "a non-conforming use may be changed to another non-conforming use upon approval of the Zoning Board of Appeals, provided that no structural alterations are required to accommodate the new non-conforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity." In this case the ZBA determined the proposed office use did not meet this standard nor was the proposed office use, permitted in SR, as presented to the ZBA.
- In September 2002, Sign Permit #424 was issued for Olson Meats, for a temporary sign.
- In October 2002, Sign Permit #447 was issued for Olson Meats, for a temporary sign.
- In October 2005, Sign Permit #546 was issued for a temporary sign (60 days) for deer processing (Olson Meats).
- In November 2008, Sign Permit #689 was issued for a temporary sign (30 days) for deer processing (Olson Meats).
- On April 17, 2019, the Zoning Board of Appeals approved ZBA Case No. 19-001, for the variance request to add onto the non-conforming building. The project included a second story addition for residential use (kitchen, 2 bedrooms, great room, and bathrooms), with

two balconies and awnings over each of two (2) entrances. The structure was to be used for single-family purposes only.

- On May 1, 2019, Land Use Permit #19-094 was approved for a second story addition to the building as living space, construction of 2 balconies, interior improvements to the first floor (garage), and exterior renovations to the existing building.
- On August 7, 2019, Land Use Permit #19-204 was approved as an amendment to the originally approved floorplan (second floor), to change a ½ bathroom to a mechanical room.
- On October 26, 2022, Land Use Permit #22-247 was approved for the installation of a hot tub, on the south side of the house.

Zoning

The property is zoned SR (Suburban Residential). Section 3.1.6.E. outlines the development standards for SR (Suburban Residential), which requires a minimum lot area of 20,000 square feet if on public sewer and water; or 32,670 square feet with no public sewer and water. The SR district also requires a minimum lot width of 120 feet along a street. The current required front yard setback for SR zoning is fifty (50) feet. The required side yard setback is fifteen (15) feet, and the required rear yard setback is twenty-five (25) feet.

The subject property is served by public sewer and private well (water). The lot area is approximately 19,166 square feet; thus, the lot does not meet the minimum lot area of 20,000 square feet. The lot width along Shoreline Drive is 108 lineal feet and does not meet the required minimum lot width of 120 feet. Due to these deficiencies, the subject property is considered a non-conforming lot of record.

Section 7.2.3.A.i. of the Zoning Ordinance (Non-Conforming Lots of Record) provides yard requirements for a non-conforming lot as follows: the required front yard setback is twenty-five (25) feet. The required side yard setback is ten (10) feet, and the rear yard setback is fifteen (15) feet.

Per Section 3.1.16E.(SR), for a one-family dwelling, the minimum floor area on the first floor of a 1+ story house, is 960 square feet, and 1,200 square feet total. Two (2) definitions are provided for floor area in the Zoning Ordinance: floor area, gross; and floor area, usable residential. It should be noted that the first floor of the existing building and proposed addition are garages and utility areas, with no usable residential space. Residential living areas are located on the second floor of the existing building and proposed addition. The combined living areas equate to approximately 2,607 square feet.

Lot coverage for buildings is a maximum of thirty percent (30%). An additional thirty percent (30%) lot coverage is permitted for driveway areas, patios, or other impervious materials. In no case shall there be more than sixty percent (60%) impervious surface on a lot.

Based on the submitted plan (received by the Township on October 24, 2023), the proposed building coverage is approximately 14.6%. Impervious material coverage is approximately 9.6%, including the proposed addition. The plan complies with the allowed lot coverage for buildings and impervious surfacing. The plan did not show any proposed sidewalks, other impervious surfaces, or expansion of the driveway in front of the new garage.

Proposed Project

The applicant is intending to construct a 2-story addition on the north side of the existing house, with the overall dimensions of approximately thirty-nine feet and six inches (39'-6") by thirty (30) feet. Each floor is approximately 1,184 square feet in area; thus, the addition is approximately total 2,368 square feet (gross floor area for 2 floors). Per the applicant's letter, the original building, once it was renovated into a small residence, was intended to be used as rental property. The applicant explains their plans have since changed and they intend to live in the residence permanently. The new addition will provide more living space than what is currently available in the rental unit.

The ground floor of the proposed addition consists of a 2-stall garage, a small utility room, and spiral staircase to the second floor. The second floor has two (2) bedrooms, one (1) full bathroom, and one (1) half-bathroom. An interior connection is provided from the second floor of the addition to the residential living space on the second floor of the existing building.

The height of the addition matches the existing building, which is approximately 26'-6" (mean height).

As background information the existing 2-story building includes a 1-stall garage on the first floor, utility areas, foyer, and an interior stairway to the second floor. The second floor includes a kitchen, great room, laundry room, two (2) bedrooms, and two (2) full bathrooms. Each floor is approximately 1,400 gross square feet.

Per the survey submitted with the 2019 variance application (ZBA Case No. 19-001), the existing one-story building, at its closest point, is approximately 5.5 feet from the rear (west) property line. The edge of the roof overhang is approximately 4.4 feet from the west property line. The two-story addition matched that geometry. The required rear yard setback for a non-conforming lot is fifteen (15) feet. A roof can project into a required yard no more than 18 inches, which in this case the edge of the roof overhang can be no closer than 13'-6". The existing building is considered a non-conforming structure because the structure and the roof overhang do not meet the required setbacks from the rear (west) property line.

Section 7.2.2. provides regulations that apply to all non-conforming uses, structures, and lots. Regarding the continuation of non-conforming uses and structures, Section 7.2.2.A., provides the following language:

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that, unless otherwise noted in the Article, the building and land involved shall not be structurally altered, enlarged, or moved, unless such modifications conform to the provisions of the Ordinance for the district in which it is located.

Request

The applicant applied for a variance from Section 7.2.4.C. of the Zoning Ordinance, to add onto a non-conforming structure.

Following is a summary of the non-conformity for the proposed addition (per ZBA #23-001 plans):

Location	Required Setback	Proposed Setback	Amount of non-conformity
East (Front) (Along Lakena St.)	25 feet	21 feet	4 feet

Using the Township Assessing Department database, staff reviewed seven (7) residential properties in the general area of the subject property in order to examine the approximate residential living area (square footage) per house. Garage space, decks, sheds, and patios were not counted as residential living space. Based on the information gathered for seven (7) residences, the average square footage of residential living area is approximately 1,500 square feet. The residential living area of the subject house, with the addition, is approximately 2,600 square feet. This equates to an approximate 1,100 additional square feet of living area for the applicant's residence when compared to the average living area of homes near the subject property.

Considerations

The Zoning Board of Appeals may grant a dimensional variance only upon a finding by the Board that the spirit of the Zoning Ordinance will be observed, public safety secured, and substantial justice rendered by granting the variance(s). The finding shall confirm that practical difficulties exist, and shall require demonstration by the applicant of all of the following (per Sec. 7.9.3.D of the Zoning Ordinance):

1. Strict compliance with the restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance unnecessarily burdensome.
2. The variance will do substantial justice to the applicant as well as to other property owners.
3. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
4. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

Analysis

In examining the criteria for a variance, the Township should only grant variances that meet the criteria outlined above. When applying the applicant's request to those criteria; staff has the following comments:

1. ***Strict compliance with the restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance unnecessarily burdensome.*** In this case, staff believes that due to the non-conforming status of the lot, the location of the existing non-conforming building, triangular shape of the property, and being a corner lot with two (2) front yards, the applicant is not able to reasonably use the property in a similar manner with other similarly situated properties in the same subdivision. The current structure does not comply with the setback requirements, thus making the structure non-conforming. The proposed addition meets the rear (west) setback and the side (north) setback. The addition does not meet the front setback along Lakena Street. Strict compliance with the required 25-foot front setback would require the addition to be shifted to the west approximately four (4) feet. In that case the addition would not meet the required fifteen (15) foot rear setback. Additionally, this change could negatively impact the interior connection of the two (2) residential living areas on the second floor.
2. ***The variance will do substantial justice to the applicant as well as to other property owners.*** In this case, staff believes that the variance request would permit the property

owner to use their property in a similar manner to the surrounding residential properties. The addition is not excessive in size and will provide additional living space for the owner. Per the applicant the addition has been positioned so as to not impede traffic sightlines, and thus will provide substantial justice.

3. ***A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*** Per the applicant a lesser variance request is not a viable solution. The size of the addition will afford more living space than the original structure, which the applicant explains was intended to be used as a rental unit and not as a permanent residence.
4. ***The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.*** Unique circumstances exist on the site as the existing building is non-conforming. The lot size does not meet the minimum area standards and is considered a non-conforming lot of record. Additionally, the subject property is a corner lot, with two (2) front yards, and triangular in shape which makes the property unique and further restricts the applicant's ability to construct an addition that meets the required setbacks.
5. ***The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.*** In this case, the applicant did not create the shape or size of the subject property; and the applicant did not construct the building originally. As a result, it appears that the design and placement of the existing building and the shape of the property were all done prior to the applicant acquiring the property. As a result, the need for the variance was not self-created by the applicant. The problem and resulting need for the variance is due to the fact that the building is non-conforming, and a variance is required to add onto a non-conforming building.

Based on the analysis of the criteria, and based on the evidence that was made as a part of this staff memorandum, staff would support and recommend approval of the variance. Variances should only be approved when there is a showing that they meet the criteria for approval of a variance.

The Zoning Board of Appeals may approve the variance application, approve the variance application with conditions, or deny the variance request. Should the Zoning Board of Appeals wish to take one of these actions, the following is offered as recommended motion language:

Variance request to add onto a non-conforming structure:

- **Move to approve** Zoning Board of Appeals application #23-001, a request for a variance to add onto a non-conforming structure, as outlined in Section 7.2.4.C. of the Hartland Township Code of Ordinance, for the property addressed as 1831 Lakena Street, Parcel ID #4708-27-101-086, based on a finding of the following:
 1. Strict compliance with the restrictions governing setbacks would unreasonably prevent the owner from constructing an addition, at a size that is usable for residential use.
 2. Alternate designs are not practicable to be considered that could provide compliance with the required setbacks and still provide substantial justice to the applicant.
 3. Granting a lesser variance will limit the size of the floor area/living space and will not give substantial relief to the applicant or be consistent with justice to other property owners.
 4. Unique circumstances exist on the subject site that would restrict the applicant from meeting the required setback standards. The corner lot is a non-conforming lot

regarding lot area and the existing building is nonconforming relative to the rear yard setback.

5. The circumstances are not self-created as the lot was created in 1925 and the original building was constructed in 1930 in its current location. The geometry of the lot limits the options additions to the existing building that would be in compliance with required setbacks.

Decision of the variance request:

The approval of the variance was based on the site plans, prepared by Arcadian Residential Design, and materials submitted by the applicant and presented before the Zoning Board of Appeals. Any modification that would affect the intent of the variance would require approval by the Zoning Board of Appeals. The effective date for the variance is November 15, 2023, the date the Zoning Board of Appeals approved the variance.

Appeals of a ZBA decision may be taken to Livingston County Circuit Court at the discretion of the applicant. An appeal to the Livingston County Circuit Court shall be filed within thirty (30) days after the ZBA certifies its decision in writing or approves the minutes of its decision.

If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for 365 days, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one-year period if conditions upon which their original decision change, or if information relating to their original decision is found to be incorrect or inaccurate.

In the event that the Zoning Board of Appeals has determined that based on the evidence in the memorandum and/or evidence presented at the meeting, there is not sufficient reason to approve the request, the following motion to approve the request has been provided:

- **Move to deny** Zoning Board of Appeals application #23-001 a request for a variance to add onto a non-conforming structure, as outlined in Section 7.2.4.C. of the Hartland Township Code of Ordinance *(based on a finding of the following...)*

Cc: Jeffery Lawrence

Attachments:

1. ZBA #23-001 Letter from the Applicant
2. Site Plans
3. Site Photographs
4. Mortgage Survey, dated December 5, 2018

T:\PLANNING DEPARTMENT\ZONING BOARD OF APPEALS\2023 Zoning Board of Appeals\Applicants\ZBA #23-001 Lawrence\Staff reports\ZBA #23-001 staff report 11.08.2023.docx

Hartland Zoning Variances & Appeals 7.9 3Di

Jeff & Aimee Lawrence, 1831 Lakena

RECEIVED

OCT 18 2023

HARTLAND TOWNSHIP

Question A:

Strict compliance with the restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the ordinance conformity unnecessarily burdensome.

Strict compliance with the setbacks does present us with an undue burden. The dimension and, most particularly, the shape of our lot renders it nearly unbuildable. While we understand the need for corner lots to observe two frontyard setbacks, our unique triangular shape warrants some consideration. The carefully planned position of our addition will not inhibit any sightlines for vehicles approaching and traversing the roadway intersection. Our proposed addition cannot be an obstruction for people travelling in either direction on Lakena Drive, Shoreline Drive, or Korte Drive.

Question B:

The variance will do substantial justice to the applicant, as well as other property owners.

The overall area of the lot is 14,816 square feet, and subtracting a 50' frontyard setback on two legs of our triangular shape leaves us with a buildable envelope of 837 square feet. That leaves just 5.65% of our property buildable. Our proposal, inclusive of existing and new footprint will amount to building on just 17.6% of the lot area. Painstakingly positioned so as not to impede traffic sightlines, we think this is a viable solution and will provide substantial justice.

Question C:

A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

A lesser variance request is not a viable solution for us. What you have before you is crafted to be just large enough for us to live in, and just small enough for this variance to gain your favor. The original concrete block building was a general store for the cottage owners in the three lake development. The building was restored with a very small residence above in the hopes of converting it into a rental property. Having lived here though, we find ourselves attracted to the Hartland community and our immediate neighborhood. Our plans have changed, and we would like to live in this residence permanently. That new plan will require a bit more space than the rental unit was intended to provide.

Question D:

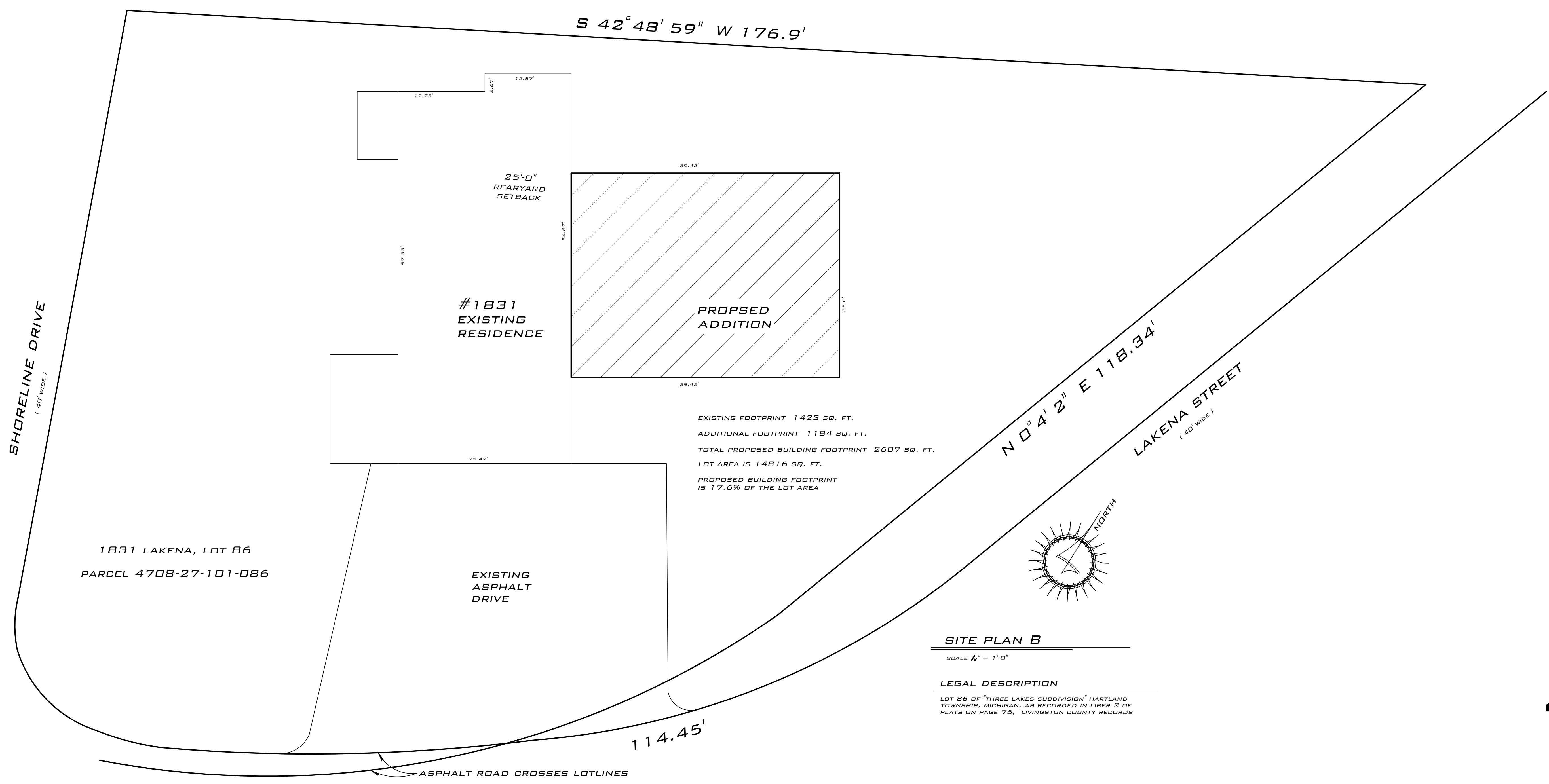
The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

The circumstances of our lot are unique to the properties in the three lake development with one exception: the property directly across the street from us, 1836 Lakena. No other lots have such a peculiar shape. Both lots have been shaped by the interests of Lakena, Shoreline, and Korte Drives. The 1836 property has similar shortcomings and currently exists in an out-of-compliance condition greater than our own. In fact, both our current condition and proposal will be closer to compliance than the conditions at 1836.

Question E:

The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

This variance is being driven by the unique characteristics of the lot, certainly not conditions that we have created. By positioning our addition where we have, out of any driver's sightline, we think we have met the spirit of the ordinance that requires corner lots to observe frontyard setbacks on both streets.



S 42° 48' 59" W 176.9'

SHORELINE DRIVE
(40' WIDE)

N 0° 4' 2" E 118.34'
LAKENA STREET
(40' WIDE)

1831 LAKENA, LOT B6
PARCEL 4708-27-101-086

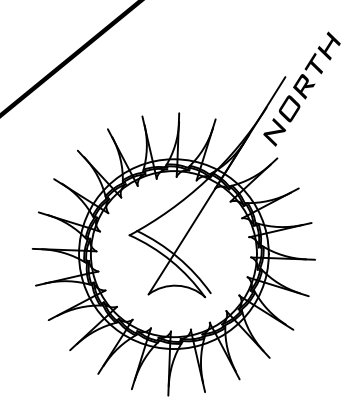
#1831
EXISTING
RESIDENCE

25'-0"
REARYARD
SETBACK

PROPOSED
ADDITION

EXISTING
ASPHALT
DRIVE

EXISTING FOOTPRINT 1423 SQ. FT.
ADDITIONAL FOOTPRINT 1184 SQ. FT.
TOTAL PROPOSED BUILDING FOOTPRINT 2607 SQ. FT.
LOT AREA IS 14816 SQ. FT.
PROPOSED BUILDING FOOTPRINT
IS 17.6% OF THE LOT AREA



SITE PLAN B

SCALE 1/8" = 1'-0"

LEGAL DESCRIPTION

LOT B6 OF THREE LAKES SUBDIVISION, HARTLAND TOWNSHIP, MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS ON PAGE 76, LIVINGSTON COUNTY RECORDS

114.45'

ASPHALT ROAD CROSSES LOTLINES

LAWRENCE
RESIDENCE



DENNIS DINSE

7091 Augustine Court
Fenton, MI 48430
517-540-9960
www.arcadiandesign.net

DRAWN DD

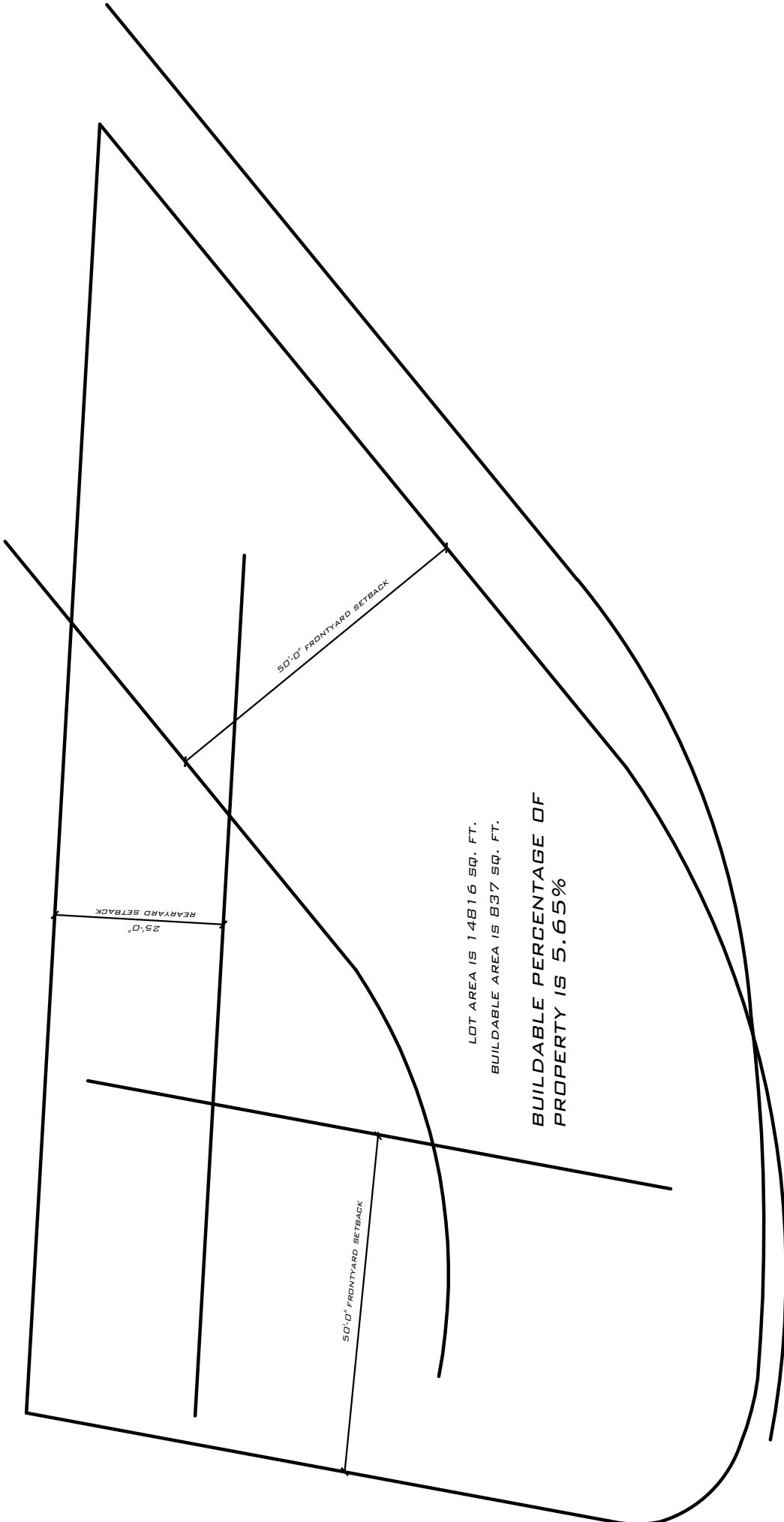
CHECKED

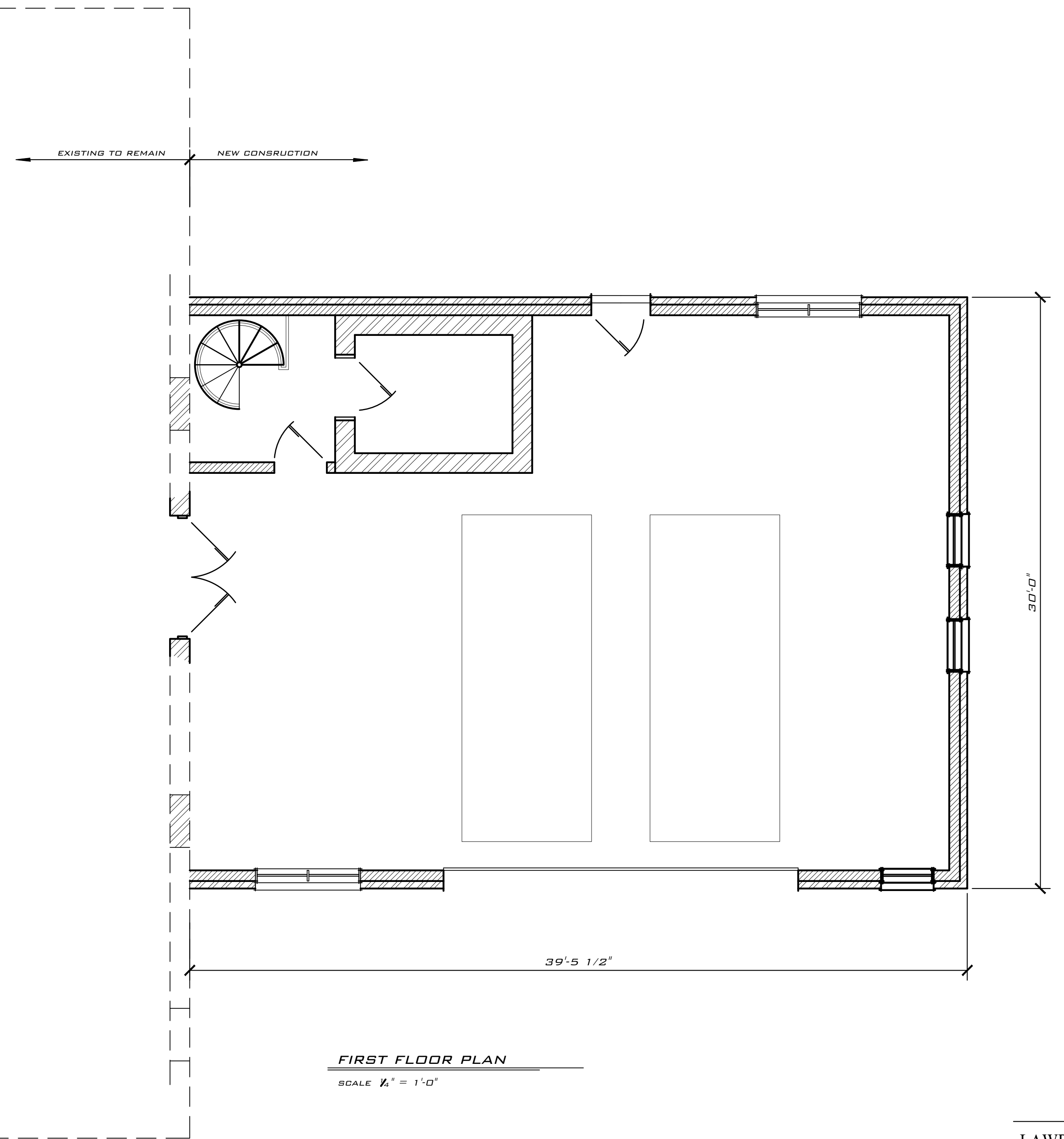
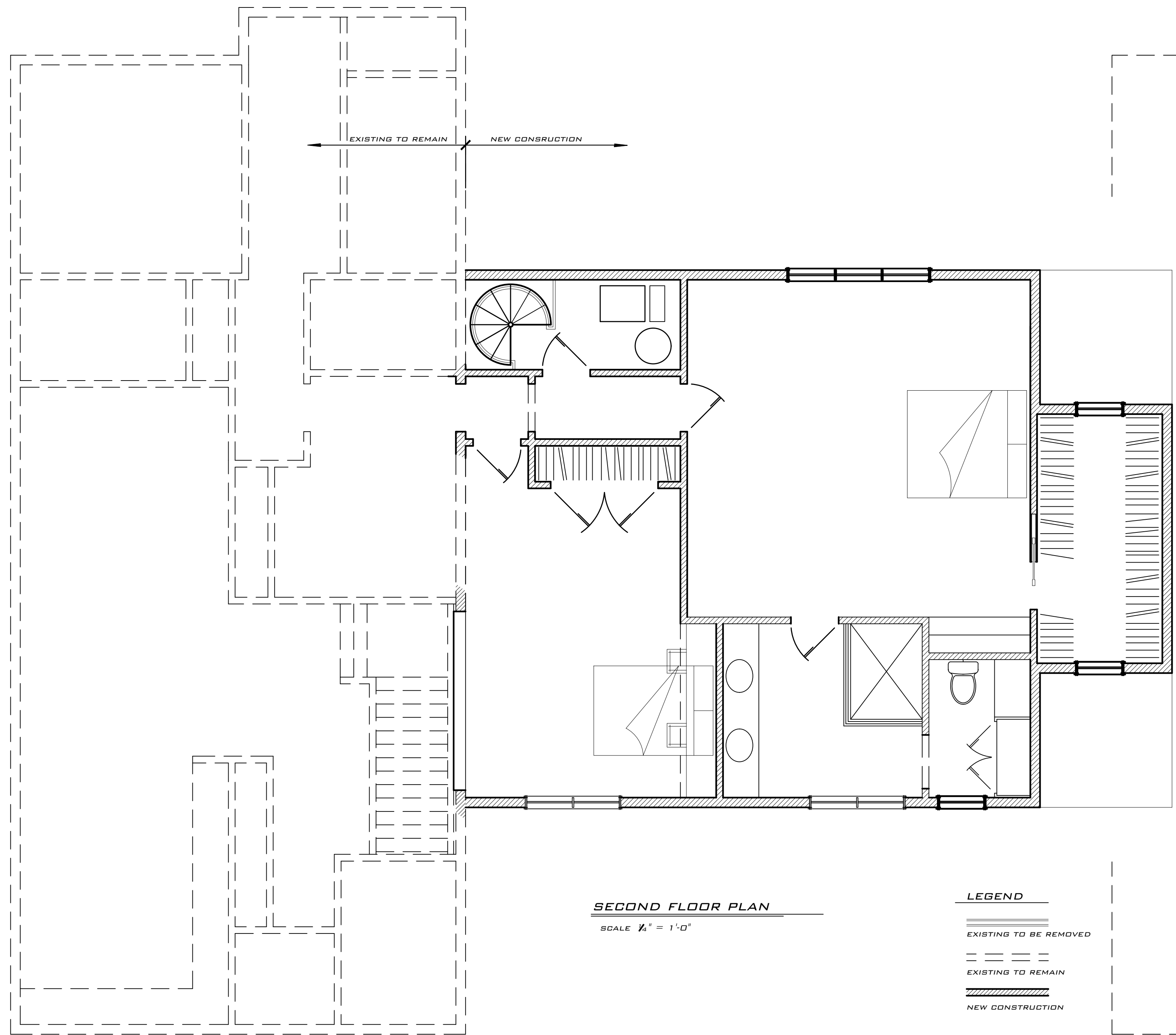
DATE

SHEET NUMBER

1 of 5

PROJECT NUMBER
230000





LAWRENCE
RESIDENCE



DENNIS DINSER

7091 Augustine Court
Fenton, MI 48430
517-540-9960
www.arcadiandesign.net

DRAWN DD
 CHECKED
 DATE
 SHEET NUMBER
 3 of 5
 PROJECT NUMBER
 230000



LAWRENCE
RESIDENCE



Residential
Design
DENNIS DINER
7091 Augustine Court
Fenton, MI 48430
517-540-9960
www.arcadiandesign.net

DRAWN DD
CHECKED
DATE
SHEET NUMBER
5 of 5
PROJECT NUMBER
230000





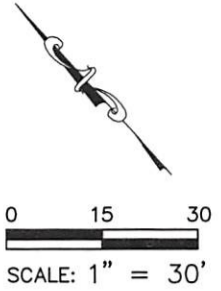


CERTIFICATE OF SURVEY

Prepared For: JEFF LAWRENCE

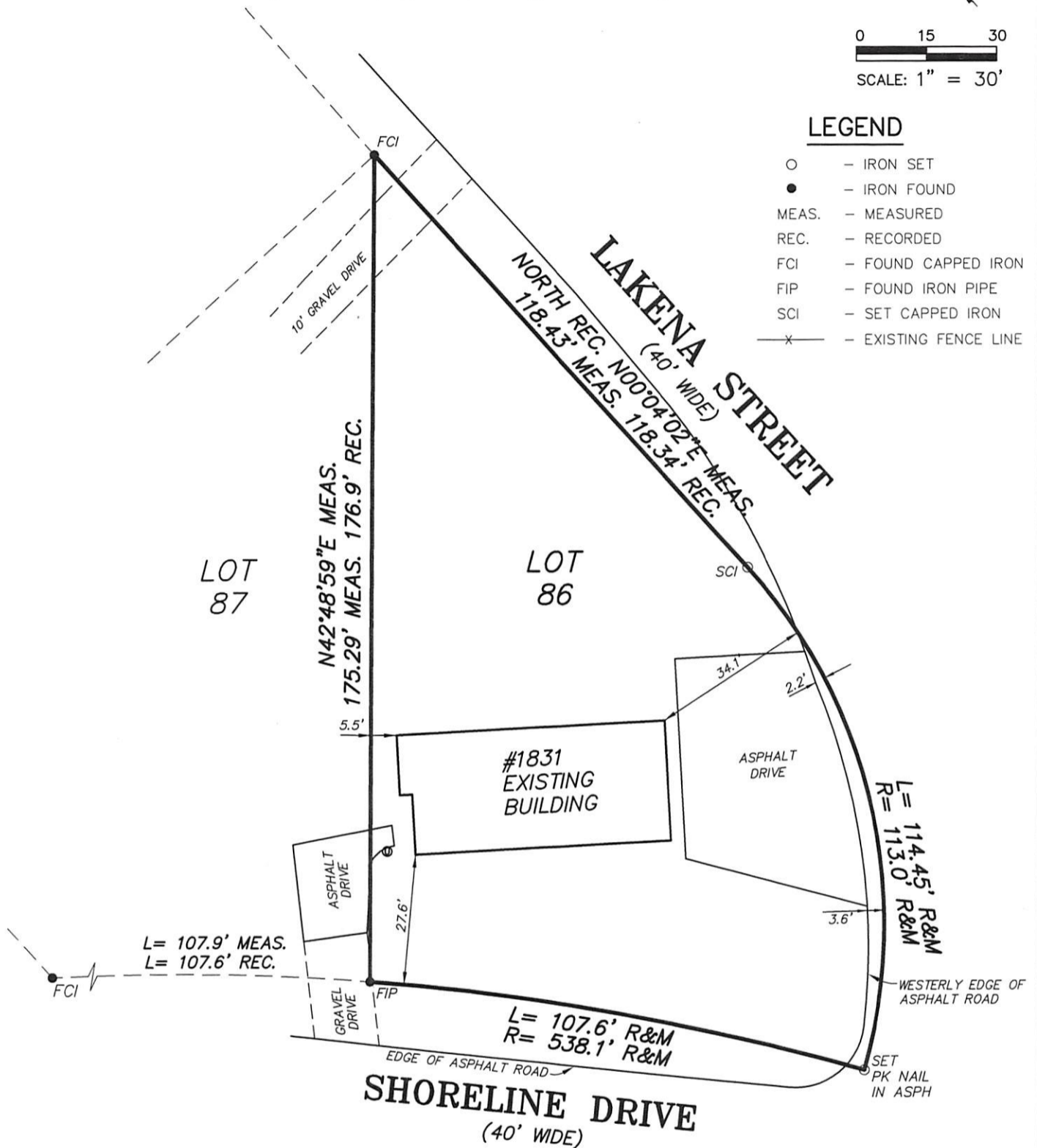
Legal Description:

Lot 86 of "THREE LAKES SUBDIVISION" Hartland Township, Michigan, as recorded in Liber 2 of plats on page 76, Livingston County Records.



LEGEND

- — IRON SET
- — IRON FOUND
- MEAS. — MEASURED
- REC. — RECORDED
- FCI — FOUND CAPPED IRON
- FIP — FOUND IRON PIPE
- SCI — SET CAPPED IRON
- x— — EXISTING FENCE LINE



NOTE:
NO TITLEWORK WAS SUPPLIED BY CLIENT, THEREFORE ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

BEARING BASIS:
HELD DUE NORTH BEARING OF WEST LINE ALONG LOTS 87 AND 89 AS PER PLAT.

NOTE:
AT NORTH END OF LOT 86, THE NEIGHBOR'S GRAVEL DRIVE CROSSES PLATTED LOT LINES AS SHOWN.

AT THE SOUTHWEST CORNER OF LOT 86, THE ASPHALT DRIVE CROSSES PLATTED LOT LINE AS SHOWN.

ASPHALT ROAD CROSSES PLATTED LOT LINE AS SHOWN.

I hereby certify that I have surveyed the land herein platted and described on December 4, 2018, and that the relative positional precision of each corner is within limits accepted by the practice for Michigan Professional Surveyors, and that all of the requirements of Act No. 132, P.A. 1970 (as amended) have been complied with.



KAROL L. GROVE
LICENSED PROFESSIONAL SURVEYOR #39075

ALPINE

Land Surveying, Inc.

11590 HIGHLAND ROAD, SUITE #100
HARTLAND, MICHIGAN, 48353
PHONE: 810-207-8050, FAX: 810-632-0200

FIELD:	KG	DATE:	DECEMBER 5, 2018
DRAWN:	DS	JOB NO:	18-3915
CHECKED:	KG	SHEET:	1 OF 1
REVISED:			



Board of Trustees

William J. Fountain, Supervisor
Larry N. Ciofu, Clerk
Kathleen A. Horning, Treasurer

Matthew J. Germane, Trustee
Summer L. McMullen, Trustee
Denise M. O'Connell, Trustee
Joseph M. Petrucci, Trustee

HARTLAND TOWNSHIP ZONING BOARD OF APPEALS 2023 MEETING DATES

The Hartland Township Zoning Board of Appeals will hold their regular monthly meetings on the following dates, if requested. All meetings are open to the public.

**January 18, 2023
February 15, 2023
March 15, 2023
April 19, 2023
May 17, 2023
June 21, 2023
July 19, 2023
August 16, 2023
September 20, 2023
October 18, 2023
November 15, 2023
December 20, 2023**

Regular meetings are held the third (3rd) Wednesdays of every month if requested, beginning at 7:00 PM in the Hartland Township Hall, located at 2655 Clark Road, Hartland, MI.

If an applicant has not requested a Zoning Board of Appeals meeting for any given month, the scheduled meeting for that month will be canceled.

Any questions regarding the Zoning Board of Appeals may be directed to the Hartland Township Planning Department at (810) 632-7498.



Board of Trustees

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HARTLAND TOWNSHIP ZONING BOARD OF APPEALS 2024 MEETING DATES

The Hartland Township Zoning Board of Appeals will hold their regular monthly meetings on the following dates, if requested. All meetings are open to the public.

**January 17, 2024
February 21, 2024
March 20, 2024
April 17, 2024
May 15, 2024
June 19, 2024
July 17, 2024
August 21, 2024
September 18, 2024
October 16, 2024
November 13, 2024
December 18, 2024**

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