



69 Lincoln Lake Ave NE, Lowell

## ZONING BOARD OF APPEALS

February 23, 2023

### Minutes

Call to order – 7:01 p.m. by Gustafson followed by the Pledge of Allegiance

Roll Call – Makuski, Jarema, Gustafson, Kutzli and Odell all present.

**Approve or change agenda** - Makuski motioned to approve the agenda - Jarema supported the motion. **All members voted yes; motion carried.**

**Approve minutes** - Makuski motions to approve the minutes for the January 5, 2023, meeting. Jarema supported the motion. **All members voted yes; Motion carried.**

### 1. 13163 Vergennes - Speerstra Final Approval

Gustafson opened discussion and the board reviewed the survey presented.

Makuski motioned to approve the variance to allow the six-foot reduction in the easement and to allow it to be within two feet from the property line in accordance with the survey because of the following ordinance criteria;

- 1. & 2. It is practically difficult to require strict enforcement with the ordinance because the easement will not fit between the existing house and the west boundary without the variance. The 75-year-old two track going to the back of the property where the old house stood is an exceptional and extraordinary circumstance applying to this property compared to other properties.
- 3. The variance is necessary for the preservation and enjoyment of the property owner's right to split the property and build on the rear parcel.
- 4. The granting of this variance will not have substantial adverse impact on the value or enjoyment of adjacent property or materially impair the spirit or purposes of this ordinance. The neighbors expressed support as long as the road did not encroach on their property.
- 5. The variance does not result in permitting the establishment of any use which is not permitted by right, it relates only to the property owner, does not materially increase the risk of fire, flood or similar dangers, it does not materially increase traffic or produce nuisance conditions to occupants of nearby premises, or otherwise impair the public health, safety, conform or the general welfare of the township residents.

Kutzli supported the motion. **All members voted yes; Motion carried.**

## **2. 677 Lincoln Lake Industrial - Public Hearing opened at 7:25p.m.**

Carrigan presented the parcel complications. Smith is looking to reduce the front setback from 75ft to an amount that would permit the construction of Deeds' warehouse.

Makuski stated that there was no opposition when this matter came to the planning commission previously.

Rudy Smith – 677 Lincoln Lake Ave SE - property owner - looking to sell the east parcel to Deeds.

Cory Deeds – 2500 Lincoln Lake Ave NE - Corey Deeds is interested in buying the property to build an industrial warehouse, half to lease and half to maintain for himself.

Makuski questioned whether the board legally can grant a variance request in a recorded ingress egress easement. Gustafson questioned the legal status and description of the road coming in, and where it ends.

Gustafson suggested to table the application pending further review of the site plan by the PC. The ZBA recommends that in connection with the variance request, that the legal standing of the private road and where it ends is determined, and that the granting of the variance is dependent in part in the fact that the building will lie to the west of the private road coming in off Lincoln Lake and turning south. Assuming the PC approves the site plan and assuming the clarifications are met, then the ZBA would be inclined to grant a variance to allow the setback from the South property line to the building.

Odell Motions to table the application. Makuski supported the motion. **All members voted yes; Motion carried.**

**Public Hearing closed at 8:45p.m.**

## **3. ZBA Language Review**

The board discussed making changes to chapter 7 of the ordinance.

Gustafson motioned to present the changes to Tim Wittenbach for review. Kutzli supported the motion. **All members voted yes; Motion carried.**

Jarema motioned to adjourn the meeting. Makuski supported the motion. **All members voted yes; Motion carried.** Meeting was adjourned at 9:27 p.m.