

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

August 19, 2021

Meeting Called to order at 7pm

Pledge of Allegiance

Roll Call Members Present:

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

Others Present:

Les Raymond, Mike Engle, Amy Murphy, Craig Rolfe, Larry Watson, Gene Hall, Nickie Haight

Agenda Approval

Attorney Rolfe rearranges the agenda so the Public Hearing is just an item number on the agenda. Motion by Hawthorne to accept agenda with the adjustments, second by Miller. All ayes, motion carries.

Meeting Minute Approval - December 27, 2018

Motion by Haywood to approve meeting minutes from December 27, 2018, second by James. All ayes, motion carries.

No Public Comment

Zoning Administrators Comments

Raymond says Fred Saint Amore is requesting a variance from the 100ft frontage setback requirement on a property located at 2114 Island Dr. Raymond explains that the applicant has enough lake frontage to adhere to the 100 ft frontage requirements. He tells the ZBA that they all have the details and a map in their packets.

No Old Business

New Business

Election of Officers

Motion by Hawthorne to elect Larry Haywood as the ZBA Chairman, second by Miller. All ayes, motion carries.

Motion by Hawthorne to elect Jim James as the ZBA Vice Chairman, second by Haywood. All ayes, motion carries.

Open Public Hearing - Application from Frederic Saint Amore to apply for a variance from the 100 ft frontage setback requirement on a property located at 2114 Island Dr.

Haywood starts the proceedings explaining that he feels very secure with the ordinance that RCT has in place and is not usually in favor of making more nonconforming lots. He also says there is a state law about key holing. Hawthorne explains that the property already has dock access.

Attorney Rolfe says that typically in a hearing like this, the applicant would have a chance to speak first, then the public would comment, then the open hearing would be closed. And that is when the board would deliberate. After the board deliberation, the applicant would have a chance for a rebuttal.

Mike Engle introduces himself as the representative for the applicant. He says Saint Amore is out of town on business. Engle has Saint Amore on speaker phone and takes a moment to fill in on the hearing process.

Engle holds the phone to the public microphone and Saint Amore shares that the property is already attached to the lake as much as possible without actual lake access. He says the property already has docking and mooring rights. He says that he does already have the 100ft needed to conform with the ordinance, but doing that would make the access sit at a weird angle. He would prefer to have 31ft of frontage so that the yard angles are more pleasing. He feels this will increase the value of the property and therefore increase the tax income.

Engle says he understands that the ordinances are in place to protect the lake residents and he appreciates that. He is a real estate agent and feels that this approval would not hurt. He feels it would improve the net worth in the area. His clients would see a super nice house that would have no degradation with the 30 ft frontage. He says the boat density on the lake will not change and it will not create a key holing situation. He says he is in full support of this variance. He clarifies that the applicant is his ski partner but that is not what has made his decision.

Saint Amore says the only thing this variance would affect is future owners of that property. Engle says it would look weird to future owners if they use the 100ft frontage.

Beckwith asks if people on Algonquin Lake can let others use their docks. Engle says they are not supposed to but it has happened in the past.

James asks about the southern line. He wants to know how it affects the neighbor to the east. Saint Amore says that neighbor is Gary Collier and he has spoken with him and Collier is fine with the variance. He says there is 30-40 ft of woods between the properties.

Wendy Frame from 2155 Island Dr. says she hates to go against her neighbors because they are all very close. However she feels that allowing this variance would set a precedent and then others will want the same approval. She says that Saint Amore cleared out the area and that it was not a natural trail like some of the neighbors are claiming. She says the house already has dock access and she thinks that is good enough. She understands that this variance could make the property value higher but she feels it is important to maintain the status quo for lake frontage.

Amy Murphy from Jeanne Dr. introduces herself as Saint Amore's project manager. She says this new home they are planning will be a stand out home in their area and will increase everyone's property values. She says it will be a 4 bedroom, 3 bathroom walk out with a fully renovated indoors. She says the trees were overtaking the area and that is why Saint Amore had some trees removed. They have plans for a beautiful path and trail to the lake. Murphy says that the frontage is available for him to use but the property lies in a way that would make no sense for the neighboring house. She is hoping this home will bring in a large new family.

Saint Amore says in closing that the 30ft variance is a way better option for the layout of the land.

There are no further public comments and there were no written comments received.

Haywood closes the public hearing at 7:34pm.

Board Deliberations:

Attorney Rolfe explains to the ZBA what their limited authority allows them to do. He explains that key holing, personal tastes or feelings, property values, how nice the home will be, trees, walkways, lake access, or what the occupant or owner wants play absolutely no role in the decision the board must make tonight.

Rolfe explains that the ZBA's job is to grant variance relief if the 5 standards in ordinance 220-24-9-A are met. He says the board cannot grant the variance relief if the 5 standards are not met. He says the board should ask themselves if there is something exceptional about this property that would lead the board to say he absolutely cannot follow the ordinance. Rolfe reminds the board that Saint Amore owns 331 ft lake frontage to split between 2 properties. Saint Amore has every right to split his properties following the ordinance. Rolfe says that is not what the point is tonight.

James asks if Saint Amore could lot share if neighbors agree. Hawthorne and Rolfe says as long as he is conforming to the ordinance, the neighbors personal agreements are not the business of the township.

Hawthorne says allowing a 30 ft lake frontage would set a precedent. She says it is a neat idea that would make all the back lots worth a lot more money. But she feels if he cannot make the 100 ft work, he should leave the property with dock only access.

James says, and Rolfe agrees, that Saint Amore would be approved to use the 100 ft he has available.

Hawthorne reads through the 5 standards laid out in 220-24-9-A and comments on each:

1. Standard has not been met. She has heard nothing about that lot that makes it a practical difficulty to follow the 100 ft frontage requirements. He has over 300 ft of lake frontage to split between two properties.
2. Standard has not been met. There is nothing about this property that is exceptional or any different or than other properties.
3. Standard has not been met. 30 ft frontage would be a detriment to the area.
4. Standard has not been met. Approval would create a nonconforming lot.
5. Standard has not been met. There are other options that would conform to the ordinance. The issues are self created.

Beckwith asks if there is a depth requirement for the 100 ft. Rolfe says there is not but the township would look at each individually. Rolfe says the township does not tell applicants how to arrange their applications. Beckwith says he visited the property in question just to understand the layout. He says he could not believe that he had to deny the variance when the YMCA asked, but they did not meet the 5 standards either and therefore the ZBA had to deny. He says Saint Amore needs to use the 100 ft. Miller, Haywood, and Hawthorne agree.

Miller makes a motion to deny the variance request from Saint Amore based on the 5 standards of ordinance 220-24-9-A not being met, second by Beckwith. Roll Call Vote - Jim James - deny, Mark Miller - deny, Larry Haywood - deny, Robin Hawthorne - deny, Dave Beckwith - deny.

Public Comment

Engle asks if the applicant would have to meet all 5 standards and Rolfe says yes. Engle appreciates the clarification and the information on the process.

Adjournment

Motion by James to adjourn, second by Beckwith. All ayes, meeting adjourned 8:08pm.

Submitted by Nickie Haight, RCT Recording Secretary