

TOWNSHIP OF SOLON
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Zoning Board of Appeals of the Township of Solon, held at the Township Hall, 15185 Algoma Avenue, Cedar Springs, Michigan, on the 17th day of January, 2024, at 7:30 p.m.

PRESENT: Blair, Skelonc, Stout, Powell, Tilburt

ABSENT: None

The following preamble and resolution were offered by Member Powell and supported by Member Stout:

RESOLUTION NO. 24-02

RESOLUTION GRANTING SETBACK VARIANCE

[Melanie Elliott Lewandoski- 3218 Rau Drive]

WHEREAS, Melaine Elliott Lewandoski (the “Applicant”) has requested a dimensional variance from the setback requirements of Section 6.04 to allow for the construction of a new addition to the attached garage at 3218 Rau Drive, Sand Lake, Michigan 49343 (the “Property”); and,

WHEREAS, the Zoning Board of Appeals has held a public hearing on the application for the variance described above, after the giving of notice as required by the Michigan Zoning Enabling Act, and has reviewed the application and considered the comments and information provided the Applicant and at the public hearing,

IT IS, THEREFORE, RESOLVED:

1. **Variance.** In response to the variance application, and following the public hearing and consideration of the application, the Zoning Board of Appeals hereby grants the requested variance to allow the proposed addition to be constructed fourteen (14) feet nine (9)

inches from the edge of Rau Drive instead of twenty (20) feet as shown on the site plan presented to the ZBA.

2. **Grounds for Response to Variance Application.** The Applicant has requested a dimensional variance, and it is therefore subject to the factors listed in Section 17.06 of the Zoning Ordinance. The Zoning Board of Appeals makes the following determinations regarding the factors listed in Section 17.06:

(a) Enforcement of the literal requirements of this Ordinance would involve practical difficulties because:

- i. The Applicant could not add an attached garage on any other side of the Property and have access to the street.
- ii. The existing platted lot is 70 feet wide, which is less than the required 100 feet. The 30 foot narrower lot is a practical difficulty.

(b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district because:

- i. The house on the Property was built many years ago within the appropriate setbacks. In addition, the lot is irregular in shape.

(c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district because:

- i. Other properties in the same area have similar setbacks and garages.
- ii. It would allow the home to be updated similar to other homes in the area.

(d) That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties and will not be contrary to the spirit and purpose of this Ordinance because:

- i. Neighboring properties and the setback distances are similar to what is being proposed by the Applicant.
- ii. The proposed setback is greater than the setback for garages on neighboring properties.

3. **Findings of Fact.** The Zoning Board of Appeals makes the following findings of fact:

(a) The requested variance will not be injurious to neighboring properties and complies with the spirit and intent of the Zoning Ordinance.

(b) There are practical difficulties which exist and which can be avoided by permitting the variance as requested.

4. **Conditions.** The Zoning Board of Appeals grants this variance subject to the following conditions, which must be satisfied within one (1) year of the date of this resolution:

(a) **Recording.** Applicants will record this variance with the Kent County Register of Deeds so as to provide notice to future property owners.

(b) **Site Plan.** The building shall be constructed as shown on the site plan and documents reviewed at the January 17, 2024 meeting of the Zoning Board of Appeals.

AYES: 3

NAYS: 2

RESOLUTION DECLARED ADOPTED.



Jon Tilburt, ZBA Chair