

ARLINGTON TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES FROM THE 10/18/21 MEETING

The meeting was called to order at 6:00 PM by Arlington Township Trustee Ted Swanson.

Roll Call: ZBA members Ted Swanson, Matt Butler, Donna Romanak were present. Arlington Township Attorney Scott Graham was also present.

Ted Swanson asked Matt Butler if he'd be willing to chair the Zoning Board of Appeals. He said he would accept this position. The ZBA voted unanimously to accept this nomination.

Ted Swanson asked Donna Romanak if she'd be willing to serve as the Secretary of the Zoning Board of Appeals. She said she'd accept this position. The ZBA voted unanimously to accept this nomination.

The ZBA reviewed the Rules of Procedures document prepared by Township Attorney Scott Graham. These Rules will govern the conduct of the ZBA and its meetings. The ZBA voted unanimously to accept the Rules of Procedures.

Matt Butler moved to open the Public Hearing portion of this meeting; the motion was seconded by Ted Swanson and the motion was passed unanimously. Troy Freed of Building Dreams Construction LLC presented their request for a dimensional variance for property located at 47704 Woodland Drive, Bangor, MI 49013 in Arlington Township. This property is located on the west side of South Scott Lake. The applicant is proceeding with the expression of the property owner Louise Zdziarski and is proceeding based on a sketch plan drawing. The property is zoned R-1 pursuant to the Township zoning ordinance. The property is not platted or subdivided and the property is bisected by a dirt road or a two-track road. The dimensional variance requested is for a lot width of 80 feet instead of the 100-foot width as stated in the zoning ordinance. The current lot size is more than 17,000 square feet. The applicant is asking for permission to build a detached single-family residence which is a permitted principal use in the R-1 zoning district. Because the property is on a lake, the lake side is considered the front yard. The remaining setbacks of this property are as follows: the front yard setback is 124 feet as opposed to 30 feet; the rear yard setback is 10 feet instead of 20 feet; one side yard setback is 16 feet instead of 10 feet; the other side yard setback is 10 feet. Subdivided lots in the area are generally 50 feet wide. Roads in the area are generally paved but are sometimes dirt or two track roads. It is common for lots on dirt or two track roads to have front or rear yards that are less than the setback described in the R-1 zoning district. In light of the type of property and structure involved a request based on a sketch plan is appropriate. The majority of residential lots on Scott Lake are less than 80 feet wide. Platted residential lots on and around Scott Lake are generally approximately 50 feet wide. Denial of permission to build the requested structure would be inconsistent with the spirit of the zoning ordinance. The expectation that a residential lot will be at least 100 feet wide on Scott Lake is generally unreasonable. A denial of the variance request

based on the specific facts of the current request will establish practical difficulties. Strict compliance with restrictions governing lot width and setbacks will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance unreasonably burdensome. The variance will do substantial justice to the applicant as well as to other property owners. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors. Moreover, the new construction plan moves the septic area farther back from the lack which will help prevent leakage into the lake. The builder is willing to move the frontage back another 10 feet or more as needed. Ted Swanson made a motion to close the public hearing; the motion was seconded by Donna Romanak and the motion passed. Ted Swanson made a motion to grant the variance request based on the findings of fact as presented by attorney Scott Graham; the motion was seconded by Matt Burler and the motion passed unanimously on a roll call vote. Ted Swanson made a motion to waive the normal variance fee for this request; the motion was seconded by Matt Butler and the motion passed.

There were no public comments on non-agenda items.

The meeting was adjourned at 6:35 pm.

Donna Romanak, Secretary

Arlington Township Zoning Board of Appeals