

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES
August 17, 2023**

Call to Order: Chair Smith called the meeting to order at 6:00pm.

Pledge of Allegiance: Recited by everyone in attendance.

Roll Call of Board Members:

Members Present: Bob Fudge, Scott Swan, Lynn Fricke, Steve Duell,
and Rick Smith

Members Absent and Excused: Kent Rozycki

Also in Attendance: Zoning Administrator Mike Green

1. Review and Approval of the Agenda – Conflicts of Interest (6:02)

Fudge moved and Swan seconded to approve the agenda as presented.

Yeas: Fudge, Swan, Fricke, Duell, and Smith

Nays: None

2. Review and Approval of Meeting Minutes – January 12, 2023 (6:03)

Duell moved and Fricke seconded to approve the minutes of January 12, 2023.

Yeas: Duell, Fricke, Fudge, Swan, Smith

Nays: None

3. Public Hearings

A request has been made by Brad and Trina Jewett for a variance from Sections 611.A(2)(c) of the Garfield Township Zoning Ordinance to allow for a detached accessory building that exceeds the ground floor area of the existing principal dwelling. The property is zoned R-1 Single Family Residential and is currently used as single-family residential. The property is located at 1745 N West Silver Lake Road with a property number of 05-030-008-25. The parcel is generally located along the west side of West Silver Lake Road between Boone and Secor Roads. The property is zoned R-1 One Family Residential, and is located at 1745 N. West Silver Lake Road, with a property number of 05-030-008-25. Adjacent properties along N. West Silver Lake Road are also zoned R-1 One Family Residential. According to Township records and information supplied in the application, the property contains a dwelling with an attached garage along with a separate detached garage.

The applicants said they would like to put a 20 x 48 foot addition on their unattached garage. They feel it would be harmonious to the community and utilities are located near where they would have to put it. He has talked to neighbors and they are not opposed to the proposed addition. To locate it elsewhere on the lot would require the removal of many trees. The proposed

addition would be 960 sq feet which would make that building larger than the primary structure.

Chair Smith noted no public in attendance, so a public hearing was not held. ZBA members then went through the standards that needed to be met.

Practical Difficulty:

- A. Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);
The Applicant stated that there is about 45' of wetlands towards the rear of the lot.

Board members decided unanimously that this condition was **Not Applicable**.

- B. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;
Board members agreed that the conditions were not created by the applicant.

Board members decided unanimously that this condition was **Met**.

- C. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance; Board members discussed whether an ordinance. Board members were in favor since the septic tanks were in such a location that would preclude the use of the rear of the property.

The board determined that the strict application of the setback requirements of the Ordinance does not preclude the applicant from either a) Constructing additional detached accessory buildings or b) attaching the building to the dwelling through a breezeway or other addition, doing so would reclassify the building as part of the dwelling and would allow the newly classified building to be expanded as requested.

Board members determined unanimously that the condition was **Not Met**.

- D. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance.

Board members determined that there was nothing to demonstrate that a denial of their request would deprive them of rights enjoyed by other properties in the same zoning district.

Board members decided unanimously that this condition was **Not Met**.

- E. For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

Board members determined that the applicant was not claiming financial hardship.

All board members determined that this condition was **Met**.

General Criteria

- A. The requested variance shall relate only to property that is under the control of the applicant. Board members determined that the Jewetts were the owners of the property.

All board members determined that this condition was **Met**.

- B. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance. Board members stated that the applicant was not asking for a variance based on any other non-conformities in adjacent properties or within the R-1 district.

All board members determined that this condition was **Met**.

- C. The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare.

Board members determined that an addition would make the use non-conforming.

Board members decided unanimously that this condition was **Not Met**.

- D. The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located;

Board members determined that the requested variance would not change the character of the land or neighboring properties.

All board members determined that this condition was **Met**.

- E. The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

Board members determined that the applicant had not considered all alternative locations on the parcel for the proposed improvement.

Board members determined unanimously that this condition was **Not met**.

Special Conditions or Circumstances

Board members did not need to go through special circumstances.

Board members discussed Section 611, Accessory Uses and Structures and asked the applicant if the proposed addition could somehow be attached to the principal structure. The definition of "patio" was discussed and the applicant would like clarification of that definition before moving forward with the proposed project. He will get in touch with the Township Planning Director, John Sych, for a definitive definition of "patio".

Scott moved to table the application for further information from the Planning Department. Fricke seconded the motion.

Yeas: Scott, Fricke, Fudge, Duell, Smith

Nays: None

4. Other Business

None

5. Items for Next Agenda

None at this time

6. Public Comment

None

7. Adjournment: *Duell moved and Fudge seconded to adjourn at 7:09pm.*


Lynn Fricke, Secretary