

**LOWELL CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
WEDNESDAY, APRIL 24, 2019**

**CALL TO ORDER:** Chairperson Clements called the meeting to order at 7:00 p.m.

**ROLL CALL – PRESENT:** Jones, Reister, Clements, Bieri, Thompson

**ABSENT:** None

**APPROVAL OF MINUTES – AUGUST 29, 2018:** Motion by Thompson, seconded by Reister to accept the August 29, 2018 ZBA meeting minutes as read. Motion carried.

**ELECT OFFICERS – CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY:**

Motion by Thompson, seconded by Reister to nominate present officers for approval (Chairperson – Tim Clements, Vice-Chairperson – Susan Reister, Secretary – Ray Jones). Motion carried.

Motion by Thompson, seconded by Clements to accept the nominations to elect Chairperson – Tim Clements, Vice-Chairperson – Susan Reister, Secretary – Ray Jones to their present ZBA offices. Motion carried.

**PUBLIC HEARING FOR DONALD AND SUSAN VERHULST – 1809 PARNELL AVE SE –**  
The proposed variance was read.

**CITIZEN’S COMMENT:** Steve Grimm, speaking for the applicants presented why the request should be granted since all four criteria, in his opinion had been met. Gilbert Vanweelden, 10120 Settlewood Dr commented that we make rules and they should be adhered to and upheld and therefore was against the request. Chairperson Clements closed the public comment at 8:30 p.m.

**FINDINGS OF FACTS:** The property on which the variances have been requested is located at 1811 Parnell Ave SE, more exactly identified as Parcel No. 41-20-06-476-001.

The parcel is located in the Lowell Township Zoning District Ag-2 (Rural Agricultural) as described in the Lowell Charter Township Zoning Ordinance. The Zoning Ordinance Table of General Bulk Regulations for Ag-2 provides for parcels with a minimum size of 4 acres, a minimum road frontage of 200 feet, and a minimum side yard setback of 50 feet.

This parcel is currently 5.9 acres in size, with a road frontage of 318.7 feet. This complies with the General Bulk Regulations for property in Ag-2. There were two houses located on this Parcel, creating an illegal non-complying use of the land. One house was destroyed by fire last year, so this illegal non-complying use no longer exists. This Parcel may be used for all purposes generally available to other owners of land in the Ag-2 Zoning District.

Applicants have requested a ‘split’ of their land into two parcels. They request that the first new parcel, to be identified as 1809 Parnell Avenue, be comprised of 2.45 acres with 165 feet of road frontage, requiring approval of an acreage reduction of 1.55 acres and a road frontage reduction of 35 feet. They further request that the second new parcel, to be identified as 1811 Parnell Avenue, be comprised of 3.45 acres with 153.7 feet of road frontage, requiring approval of an acreage reduction of .55 acres and a road frontage reduction of 46.3 feet.

Due to the proposed location of the line separating these two new parcels, an existing in-ground swimming pool on the new 1809 Parnell Avenue parcel would be 32.2 feet from the side lot line of the 1811 Parnell Avenue parcel, requiring approval of a 17.8-foot reduction of the side yard setback requirement.

Applicants purchased the current parcel in 2000, at which time it had the current configuration of 5.9 acres and 318.7 feet of road frontage.

**BOARD DISCUSSION:** It was discussed that the fire that destroyed the non-conforming house brought the property back to conforming. Therefore, the requested variances would take a conforming lot to a non-conforming lot. It was also discussed that the split of the lot to two non-conforming lots was too much of a variance of lot requirement to grant. It was also discussed that the ZBA cannot grant a request that takes a conforming lot and makes it non-conforming. Members of the Zoning Board of Appeals then reviewed the four standards for the granting of a variance, as well as reviewing whether the applicant has provided proof of a practical difficulty sufficient to warrant relief. Motion by Thompson, seconded by Jones to deny the request for variance on lot 1809 and 1811. Roll Call Vote: Reister – Yes, Bieri – Yes, Clements – Yes, Thompson – Yes, Jones -Yes. Motion carried 5-0. The variance fact sheet was completed, and a copy was given to the applicants.

**VARIANCE FACT SHEET (Section 24.07):** Review of the following standards:

- A) Whether strict compliance with the requirements for area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such requirements unnecessarily burdensome: No, not a reason – land is in compliance.
- B) Whether granting the variance requested or a lesser variance where feasible would do substantial justice to the applicant as well as to other property owners in the district without altering the essential character of the neighborhood: No, reduces lot size too significantly – many other property owners in district cannot split their property for adequate acreage.
- C) Whether the plight of the landowner is due to the unique circumstances of the property: No, because it is now in compliance. No unique circumstances to the parcel of land.
- D) Whether the problem is self-created: Yes, the new requested lot lines created the problem for the variances.
- E) Has applicant shown whether a practical difficulty sufficient to warrant relief exists? Answer is No.

A written and signed final decision and rationale of the Zoning Board of Appeals was offered to the applicants but they declined to wait for the document.

**GENERAL DISCUSSION:**

Kissing Rock ZBA Request

Walking Bridge is connected to both sides of the river.

Looking at paid full-time Fire Dept for Lowell Township, Vergennes Township, and City of Lowell.

**ADJOURNMENT:** Motion by Clements, seconded by Thompson to adjourn. Motion carried.

Submitted: \_\_\_\_\_ Date Approved: \_\_\_\_\_  
Secretary Ray Jones