

**LOWELL CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
WEDNESDAY, MAY 22<sup>nd</sup>, 2019**

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

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

**ABSENT:** None

**APPROVAL OF MINUTES – APRIL 24<sup>th</sup>, 2019:** Motion by Thompson, seconded by Bieri to accept the April 24<sup>th</sup>, 2019 ZBA meeting minutes. Motion carried.

**VARIANCE APPLICATION:** The proposed variance request for Eastbrook Homes was read regarding 10639 Kissing Ridge Dr, 10627 Kissing Ridge Dr, and 10615 Kissing Ridge Dr.

**PUBLIC HEARING:** Michael McGraw gave his reasons to grant the variance request by showing that, in his opinion, all four standards for granting a variance were met. Robin Cunningham stated her opinion against the variance and recommended to the ZBA to not grant the variance. A letter from David and Barb Hoogenboom was read voicing their reasons to not grant the variance. A letter from Matt and Sarah Hudson was read with the reasons for recommending the grant for the variance. A letter was read from Ross Schultheiss with reasons for granting the variance. Closed the public hearing at 7:39 p.m.

**BOARD FINDINGS OF FACT AND DISCUSSION:**

These parcels are 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.

Applicant recently made a series of conveyances of portions of these three parcels, to add land to an adjacent parcel, intended to compensate for a conveyance of a portion of land from that parcel to yet another adjacent parcel.

As a result of these conveyances, these three parcels are now 3.75 acres in area.

Prior to these conveyances, these three parcels complied with the requirements of the Lowell Charter Township Zoning Ordinance and could be used for all purposes generally available to other owners of land in the Ag-2 Zoning District.

The nearby two parcels already complied with the Lowell Charter Township Zoning Ordinance minimum area requirement before these conveyances were made and continue to comply with the Zoning Ordinance minimum area requirement.

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: This standard was not met because not enough information was presented to pass this standard.

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: This standard was not met because a variance would not do justice to our district or our ordinances.

C) Whether the plight of the landowner is due to the unique circumstances of the property: This standard was not met because there was nothing unique to the property.

D) Whether the problem is self-created: This problem was self-created.

E) Has applicant shown whether a practical difficulty sufficient to warrant relief exists: The applicant did not show enough information to warrant relief with a variance.

Motion by Jones, seconded by Bieri to deny the requested variance due to the fact that it did not meet any of the four standards needed for granting a variance. Motion carried 5 - 0.

**CITIZEN'S COMMENT:** Robin Cunningham was concerned about the watershed of the Eastbrook Homes housing development. She stated that there is more water runoff on her property than before the project. It was stated that water runoff is not in the Zoning Board of Appeals jurisdiction and suggested Robin contact Kent County Drain Commissioner, the development engineers, or Kent County Road Commission for help.

**GENERAL DISCUSSION:**

Walking Bridge connecting the north and south parks is almost complete.

Full-time firemen staffing was discussed.

Need for additional sewer capacity in the township due to increased housing development.

**ADJOURNMENT:** Motion by Thompson, seconded by Reister to adjourn. Motion carried at 9 p.m.

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