



AGENDA

Zoning Board of Appeals – Special Meeting
Tuesday, August 23rd, 2022 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of the June 28, 2022 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 22-08 – Chittenden – Dimensional Variance
 - B. ZBA Variance Application No. 22-09 – Ponce – Dimensional Variance
- V. Reports
- VI. Extended Public Comments & Questions (Limited to 4 minutes)
- VII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 28, 2022

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chair Voss.

II. ROLL CALL

Board of Appeals members present: Voss, Loftis, Behm, Hesselsweet
Board of Appeals members absent: Slater, Egedy-Bader (alternate)

Also present: Senior Planner Thibault, Deputy Clerk DeVerney

Without objection, DeVerney was instructed to record the minutes for the meeting.

III. APPROVAL OF MINUTES

Without objection, the minutes of the May 24, 2022 ZBA Meeting were approved.

IV. NEW BUSINESS

A. ZBA Variance Application No. 22-07 – Kuiper – Dimensional Variance

Party Requesting Variance: Floyd and Marilyn Reimink Trust,
represented by Kelly Kuiper
Address: 3471 146th Ave., Zeeland, 49464
Parcel Number: 70-07-26-200-002
Location: 15540 Lake Michigan Dr.

The applicant is seeking a variance for a land division creating 2 parcels (herein referred to as A&B) that would result in Parcel A - a 1-acre lot with a lot width of 209.97-feet, and Parcel B - a 1.07-acre lot with a lot width of 271.83-feet. The proposed lot sizes would violate Section 2.08 of the Zoning Ordinance which requires a minimum lot size of a 20-acres and minimum frontage of 330-feet for the Agricultural zoning district.

Thibault provided an overview through a memorandum dated June 23.

The applicant, Ms. Kuiper, was present to provide information.

- Emphasized that the application meets all 4 standards.
- Described the property as unique since there are two residences currently on the parcel.
- Stated that the houses are not intending to be demolished and that they would be used as rentals if application is denied.

- Opined that a land division would allow the parcels to be more conforming to the current Zoning Ordinance.

The Board discussed the application and noted the following:

- Questioned if the ultimate intention of the parcels, if approved, would be to sell the lots.
- Clarified the entitlements for a PRE, and the current state of the property, including the options available to the applicant.
- Noted that the lots remain buildable, and compliant options are available through lot line transfers with the adjacent properties under the same ownership.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The property has two legally non-conforming dwellings with road frontage. Legally non-conforming dwellings are allowed to remain provided that the dwelling is not enlarged or otherwise increases the degree of non-conformity.

Ayes: Hesselsweet

Nays: Voss, Loftis, Behm

Absent: Slater

Standard No. 2 – Substantial property right:

- The separate houses on the parcel are able to be separately addressed, and it is possible to receive a Principle Residence Exemption on the property.. A lot line transfer is possible to include one of the residences on the adjacent Agricultural parcel under the same ownership.

Ayes: None

Nays: Voss, Loftis, Behm, Hesselsweet

Absent: Slater

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- No letters of opposition were received for this application (*as of June 28th*).

Ayes: Hesselsweet

Nays: Voss, Loftis, Behm

Absent: Slater

Standard No. 4 – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:

- The Zoning Ordinance restricts any lot of record which allows single family dwellings to have only one dwelling per property. However, 36 parcels in the Township have multiple dwellings on their lots. If a variance was granted, a precedent may be created that would result in property owners applying for a variance based on the same merit.

Ayes: None
Nays: Voss, Loftis, Behm, Hesselsweet
Absent: Slater

Motion by Loftis, supported by Behm, to **deny** a dimensional variance from Section 2.08 to approve a land division at 15540 Lake Michigan Drive. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

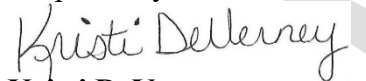
Which motion carried unanimously, as indicated by the following roll call vote:

Ayes: Voss, Loftis, Behm, Hesselsweet
Nays: None
Absent: Slater

- V. REPORTS - None
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:48pm

Respectfully submitted,


Kristi DeVerney
Acting Recording Secretary



Community Development Memo

DATE: August 17, 2022
 TO: Zoning Board of Appeals
 FROM: Rory Thibault, Senior Planner
 RE: 15721 Lincoln St. – Dimensional Variance Application No. 22-08

PARCEL INFORMATION

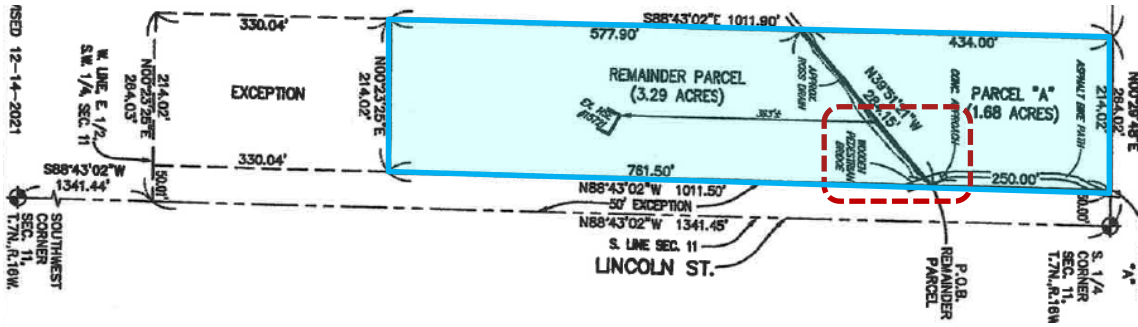
Owner/Applicant	Dwight Chittenden
Property Address	15721 Lincoln St.
Parcel Number	70-07-11-300-007
Lot Size	4.97 Acres
Lot Type	Typical Lot
Zoning	RR – Rural Residential
Required Frontage	300-feet
Requested Frontage	250-feet



ZBA APPLICATION

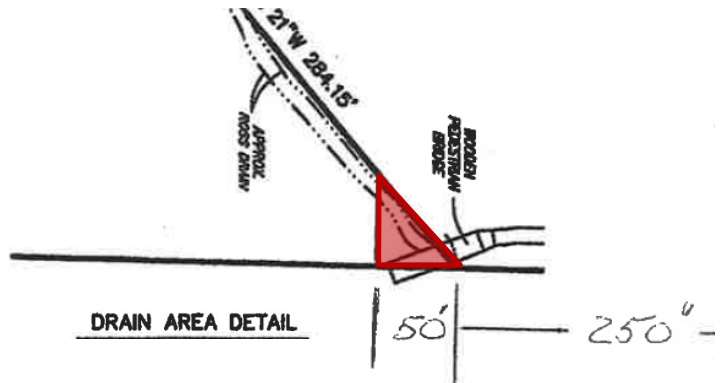
The applicant is requesting a dimensional variance from Section 2.08.F of the Zoning Ordinance for a land division creating (2) parcels (herein referred to as A & Remainder) that would result in Parcel A – a 1.68-acre lot with a lot width of 250-feet, and the Remainder – a 3.29 acre lot with a lot width of 761.50-feet.

The request is necessary because the property owner intends to sell Parcel A as a single lot of record, but staff cannot approve the land division due to the noncompliant width of 250-feet when 300-feet is the required frontage for Rural Residential lots on a Double Width Road.



Lincoln St. is considered a Double Lot Width Road. Like on other Primary County Roads, it is the desire of the Township and Road Commission to limit the number of curb cuts accessing the road, thereby reducing the number of potential traffic conflicts. The required minimum lot width for a typical Rural Residential property is 150-feet, but due to the double lot width requirement, the width is doubled to 300-feet.

The property was rezoned from Agricultural to Rural Residential earlier this year, as the owner intends to divide and sell the property to family. The maximum number of new lots that could be created could not exceed (3); considering the total lot width is 1011.50-feet, and each lot is required to have 300-feet of frontage.



Further, Lot A and the Remainder parcel is bisected by the County Drain. As a result of OCWRC required setbacks, the location of any structure within this area would be limited. Further, the property owner would have to access the triangle “island” from the road and bike path to maintain it.

VARIANCE STANDARDS

To authorize a dimensional variance from the strict applications of the provisions of this Ordinance, the ZBA shall apply the following standards and make an affirmative finding as to each of the matters set forth in the standards.

STANDARD 1

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

The property is a typical lot. The property is encumbered by a County Drain and Township path and bridge bisect the proposed Lot A and the Remainder parcel. The ZBA will need to make a determination as to whether this standard is met given the circumstances of this case.

STANDARD 2

The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

Land Divisions meeting the Standards of the Zoning Ordinance are permitted by Right. In this case, the applicant is permitted to divide the property into (3) resulting parcels. The ZBA will need to make a determination as to whether this standard is met given the circumstances of this case.

STANDARD 3

Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

No correspondence has been received as of August 18th. The property will be limited to (3) points of access onto Lincoln St. regardless of the outcome of the application. The ZBA will need to make the determination as to whether this standard is met given the circumstances of this case and the findings on standards 1 and 2.

STANDARD 4

The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

Drainage easements bisecting residential lots occur commonly throughout the Township. However, the requested departure amount, and lack of material impact to the potential siting and development of the parcel make it unique. The ZBA will need to make the determination as to whether this standard is met.

SAMPLE MOTIONS

If the ZBA determines each standard has been affirmatively met, the following motion can be offered:

Motion to approve a dimensional variance from Section 2.08.F to allow a land division at 15721 Lincoln St. This will result in a 250-foot lot frontage for Lot A. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

Motion to deny dimensional variance from Section 2.08.F to allow a land division at 15721 Lincoln St. resulting in a 250-foot lot width for Lot A. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

If the ZBA determines that more information is needed to make an affirmative finding, the following motion can be offered:

Motion to table the dimensional variance application for 15721 Lincoln St., and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me prior to the meeting with questions or concerns.

RECEIVED

JUL 28 2022

BY _____
FWD BLDG: _____



ZONING BOARD OF APPEALS APPLICATION

Application Type	Fee	Escrow*
Variance or Appeal	\$250	\$300
603 Exemption	\$250	\$300

Application Type	Fee	Escrow*
Special Meeting	\$425	n/a
Interpretation	\$125	n/a

The full zoning ordinance can be found at www.gh.org/zoning.

* To cover cost of legal and consulting fees, may be increased as necessary

Applicant/Appellant Information

Name Dwight Chittenden
 Phone 616-848-0790
 Address 15721 Lincoln Street
 Email Address docchit@chartermi.net

Owner Information (If different from applicant/appellant)

Name _____
 Phone _____ Email _____
 Address _____
 Email Address _____

Property Information (Include a survey or scaled drawing)

Address 15721 Lincoln Street, Grand Haven, MI 49417
 Parcel No. 70 - 07 - 11 - 300 - 007 Current Zoning RR
 Lot Width 250 Lot Depth 214.02 feet
 Parcel Size 1.68 acres Parcel Size 1.68 acres

General Information (Check one)

- Application for Variance
- Request for Interpretation
- Notice of Appeal

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structures (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

VARIANCE REQUESTED (If applicable)

1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards
2. Variance Requested From the Requirements of Section Number(s) _____
3. Relating to _____
4. Structure/Land Use (After Variance) _____
5. Overall Building Size (After Variance) _____
6. Setbacks from lot lines (After Variance):
 - a. Front Yard _____ feet
 - b. Rear Yard _____ feet
 - c. Side Yard #1 _____ feet
 - d. Side Yard #2 _____ feet

July 27, 2022

To: GHT Zoning Board Commissioners

From: Dwight and Janine Chittenden

Re: Request for Zoning Variance

These are the items that should allow for a zoning variance for a parcel on the east end of of our property:

1. The 300' lot width would leave a 50'x50' triangle of property on the west side of the drain, allowing no access that parcel.
2. The State of Michigan parcel width on a State Trunk Roads is 250'.
3. Mr. Thibault stated that the township made the 300' parcel width on Lincoln Street to limit the number of driveways. Using either the 300' or 250' parcel width there can only be two driveways on our land east of our home.

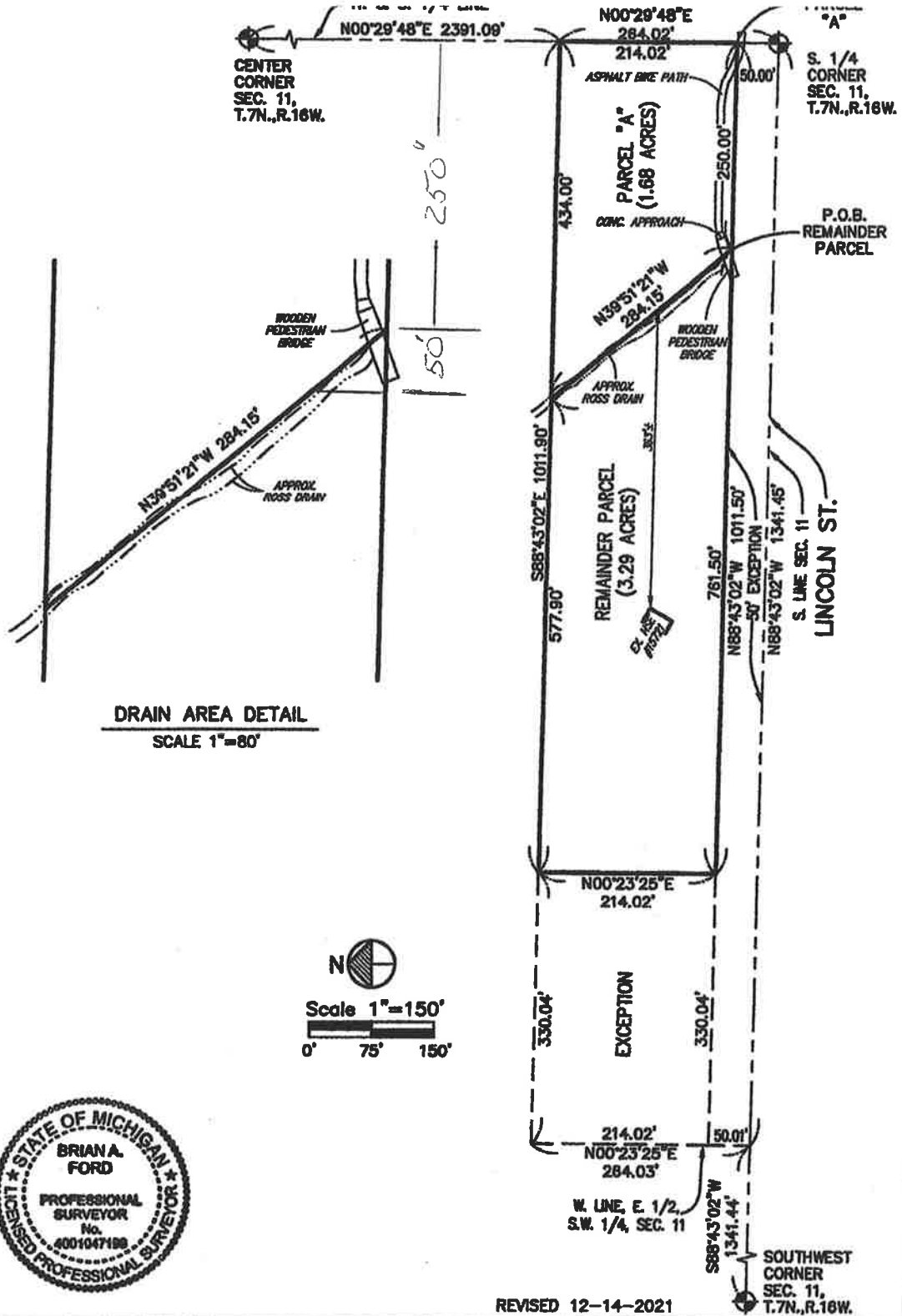
Thank you for reviewing our application.

Best Regards,

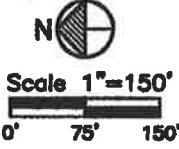
Dwight and Janine Chittenden

15721 Lincoln Street





DRAIN AREA DETAIL
SCALE 1"=80'



REVISED 12-14-2021

Brian A. Ford
 Brian A. Ford Professional Surveyor No. 4001047199

ABONMARCHÉ MILANOWSKI AND ENGLERT
 11 North 6th Street - Grand Haven, MI 49417
 Phone 616-847-4070 Fax 616-847-8528

This survey was made from the legal description shown above. The description should be compared with the Abstract Title or Title Insurance Policy for accuracy, omissions and exceptions.

- LEGEND**
- SET CON. MON
 - FOUND CONC. MON
 - SET CAPPED IRON
 - SET MAG NAIL
 - FOUND IRON
 - ⊗ SET CUT "X"
 - P. PLATTED
 - M. MEASURED
 - D. DESCRIBED
 - CALC. CALCULATED

FOR DWIGHT CHITTENDEN

SEC. 11, T7N, R16W, GRAND HAVEN TWP

DATE 8-18-2020	DRAWN BY AJA/DRB
SHEET 1 of 2	JOB NO. 16212 (21-2291)

From: **Rory Thibault** rthibault@ght.org
Subject: **Rezoning 15721 Lincoln St. - Ordinance Adoption**
Date: **Jun 13, 2022 at 8:28:48 AM**
To: **Dwight Chittenden** docchit@chartermi.net
Cc: **Cassandra Hoisington** choisington@ght.org

Good morning Mr. Chittenden,

Thank you for your patience, the options available to you are as follows:

1. We can administratively allow the county drain to be used as the new parcel line in part
 - a. Provided that a new survey/application is completed showing the required 300' of street frontage
2. You can apply for a Zoning Board of Appeals dimensional variance
 - a. Using the current survey/application to ask for the reduced street frontage

Please let me know which route you prefer.

If you have any questions feel free to contact me.

Sincerely,

Rory Thibault

Senior Planner at Grand Haven Charter Township

Phone 616-604-6319

Web www.ghc.org Email rthibault@ght.org

13300 168th Avenue, Grand Haven, MI 49417

From: Dwight Chittenden <docchit@chartermi.net>
Sent: Friday, June 10, 2022 4:44 PM
To: Rory Thibault <rthibault@ght.org>
Subject: Re: Rezoning 15721 Lincoln St. - Ordinance Adoption

Mr. Thibault,

We are wondering if you found out anything about the division of property using the county drain as a property line. We will be looking forward to hear from you.

Best regards,
Dwight Chittenden

Sent from my iPad

On Apr 1, 2022, at 2:02 PM, Dwight Chittenden <docchit@chartermi.net> wrote:

Mr. Thibault,

Thank you for the Ordinance adoption paper. Was our escrow deposit used?

Best regards,



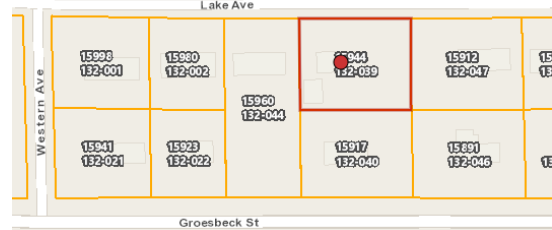
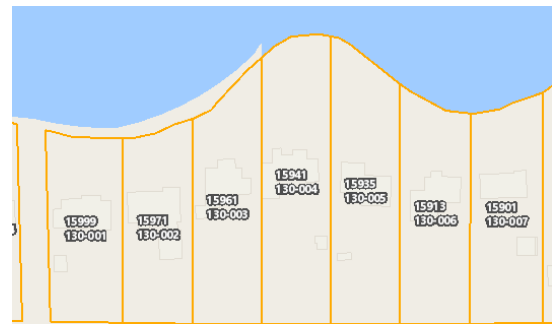
GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: August 18, 2022
 TO: Zoning Board of Appeals
 FROM: Cassandra Hoisington, Associate Planner
 RE: 15944 Lake Avenue – Dimensional Variance Application No. 22-09

PARCEL INFORMATION

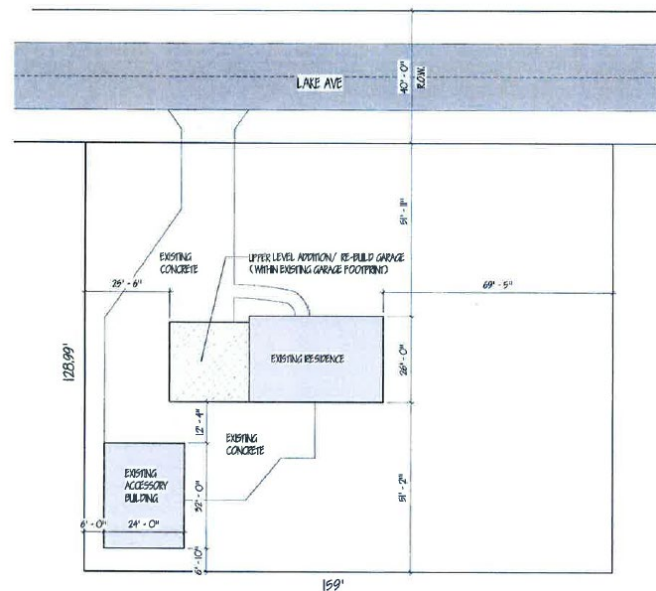
Owner/Applicant	Jason Ponce
Property Address	15944 Lake Avenue
Parcel Number	70-07-02-132-039
Lot Size	.47 Acres (20,473 sqft)
Lot Type	Typical Lot
Zoning	R-2 - Single Family
Required Setbacks	Side 1: 15-feet
	Rear: 15-feet
	House: 15-feet
Requested Setbacks	Side 1: 6-feet
	Rear: 6-feet, 10-inches
	House: 6 feet
Maximum Size of an Accessory Building on a .47 Arce Lot	720 sqft
Requested Size for the Accessory Building on a .47 Arce Lot	768 sqft



ZBA APPLICATION

The applicant is requesting a dimensional variance from Sections 10.01.C.7 and 10.01.C.10 of the Zoning Ordinance to bring a legally nonconforming accessory structure into a conforming status via a variance.

The request is necessary because the property owner intends to rebuild the existing garage within the same building footprint and add living space above, but staff cannot approve the site plan for the new addition due to the noncompliant setbacks of the accessory building.



The existing detached garage was permitted in 1989; approval states the required setback being 5-feet from the rear and side property lines, and 6-feet from the house. The current Zoning Ordinance requires a larger setback of 15-feet from the lot lines and home, making the existing structure legally nonconforming.

Simply put, the variance would allow the accessory building to remain in its current location. The footprint of the house will remain the same, and the house already conforms to the R-1 setback requirements. The issue then becomes the inability for the accessory building to meet the required setback from the house. The accessory building has additional nonconformities in size (768 sqft where 720 sqft is allowed), and side and rear yard setbacks.

Mr. Ponce has indicated in his narrative that he would be agreeable to a variance which would only allow the current building to continue existing and require any future building to comply with the ordinance. This may be included as a condition of approval if the ZBA is inclined to grant the request.

A compliant solution would be to reduce the size of the accessory building to meet the required setback. A building permit that altered the size of the detached garage to comply with the building setback of 15-feet was issued, but was more costly than the applicant expected. Therefore, per the applicant's request, the building permit is on hold pending the decision of the ZBA.

VARIANCE STANDARDS

To authorize a dimensional variance from the strict applications of the provisions of this Ordinance, the ZBA shall apply the following standards and make an affirmative finding as to each of the matters set forth in the standards.

STANDARD 1

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

The property is a typical lot. The garage was permitted under a different Zoning Ordinance and was compliant at the time of construction. The ZBA will need to make a determination as to whether this standard is met given the circumstances of this case.

STANDARD 2

The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

The R-1 zoning district allows a single-family dwelling as a use permitted by right, and the size of the property entitles the owner to install up to two accessory buildings with a combined floor area of 720 sqft. The 768 sqft accessory building is an existing structure that was permitted in 1989. The attached garage addition would be constructed within the existing building footprint and would continue to comply with the R-1 setbacks. The ZBA will need to make a determination as to whether this standard is met given the circumstances of this case.

STANDARD 3

Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

No correspondence has been received as of August 18th. The accessory building is an existing structure and the attached garage addition would be rebuilt within the same footprint, which does not increase the existing nonconformities. The ZBA will need to make the determination as to whether this standard is met given the circumstances of this case and the findings on standards 1 and 2.

STANDARD 4

The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

Obtaining a compliant setback between the dwelling and accessory building would still not alleviate the other nonconforming aspects of the building related to size or rear and side yard setbacks. Thus, the nuances of this case based on the various

decision-making methods make it unique. The ZBA will need to make the determination as to whether this standard is met.

SAMPLE MOTIONS

If the ZBA determines each standard has been affirmatively met, the following motion can be offered:

Motion to conditionally approve a dimensional variance from Sections 10.01.C.7 and 10.01.C.10 to allow an existing 768 sqft accessory building remain in place at 15944 Lake Avenue. This will result in a 6-foot setback from the dwelling, a 6-foot setback from the side lot line, and a 6-foot, 10-inch setback from the rear lot line. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met and is conditioned upon the following:

1. The existing 768 sqft accessory building may be maintained in place, but shall continue to be considered a nonconforming structure and may not be further improved or repaired beyond the natural life of the structure unless and until it complies with the Zoning Ordinance.
 - a. Any future accessory structure(s) shall comply with the standards of the Zoning Ordinance.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

Motion to deny dimensional variance from Sections 10.01.C.7 and 10.01.C.10 to allow an existing 768 sqft accessory building to remain in its current location at 15944 Lake Avenue. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

If the ZBA determines that more information is needed to make an affirmative finding, the following motion can be offered:

Motion to table the dimensional variance application for 15944 Lake Avenue, and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me prior to the meeting with questions or concerns.



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Application Type	Fee	Escrow*
Variance or Appeal	\$250	\$300
603 Exemption	\$250	\$300

Application Type	Fee	Escrow*
Special Meeting	\$425	n/a
Interpretation	\$125	n/a

The full zoning ordinance can be found at www.gh.org/zoning.

* To cover cost of legal and consulting fees, may be increased as necessary

Applicant/Appellant Information

Name Jason Ponce
 Phone 231-670-6596
 Address 15944 Lake Avenue, Grand Haven, MI 49417
 Email Address jason.ponce@almondproducts.com

Owner Information (If different from applicant/appellant)

Name Same as applicant
 Phone _____ Email _____
 Address _____
 Email Address _____

Property Information (Include a survey or scaled drawing)

Address 15944 Lake Avenue
 Parcel No. 70 - 07 - 02 - 132 - 039 Current Zoning R-2
 Lot Width 159' Lot Depth 128.99'
 Parcel Size 20,509 SF Parcel Size _____

General Information (Check one)

- Application for Variance
- Request for Interpretation
- Notice of Appeal

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structures (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

VARIANCE REQUESTED (If applicable)

1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards
2. Variance Requested From the Requirements of Section Number(s) 10.01.C.10
3. Relating to setbacks for an accessory building (see attached drawing)
4. Structure/Land Use (After Variance) Residential accessory building
5. Overall Building Size (After Variance) 24' x 32'
6. Setbacks from lot lines (After Variance):
 - a. Front Yard 90'-3" feet
 - b. Rear Yard 6'-10" feet
 - c. Side Yard #1 6'-0" feet
 - d. Side Yard #2 _____ feet

RELEASE FORM

The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Township staff members to inspect the property (*address stated below*) at reasonable times, in regards to the consideration of my request for a variance.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.


Applicant's Signature

8-2-2022
Date

Owner's Signature (if different from applicant)

Date

15944 Lake Avenue
Property Address

For Office Use Only

Date Received _____

Fee Paid? _____

ACTION TAKEN BY TOWNSHIP BOARD OF APPEALS

() Application Approved

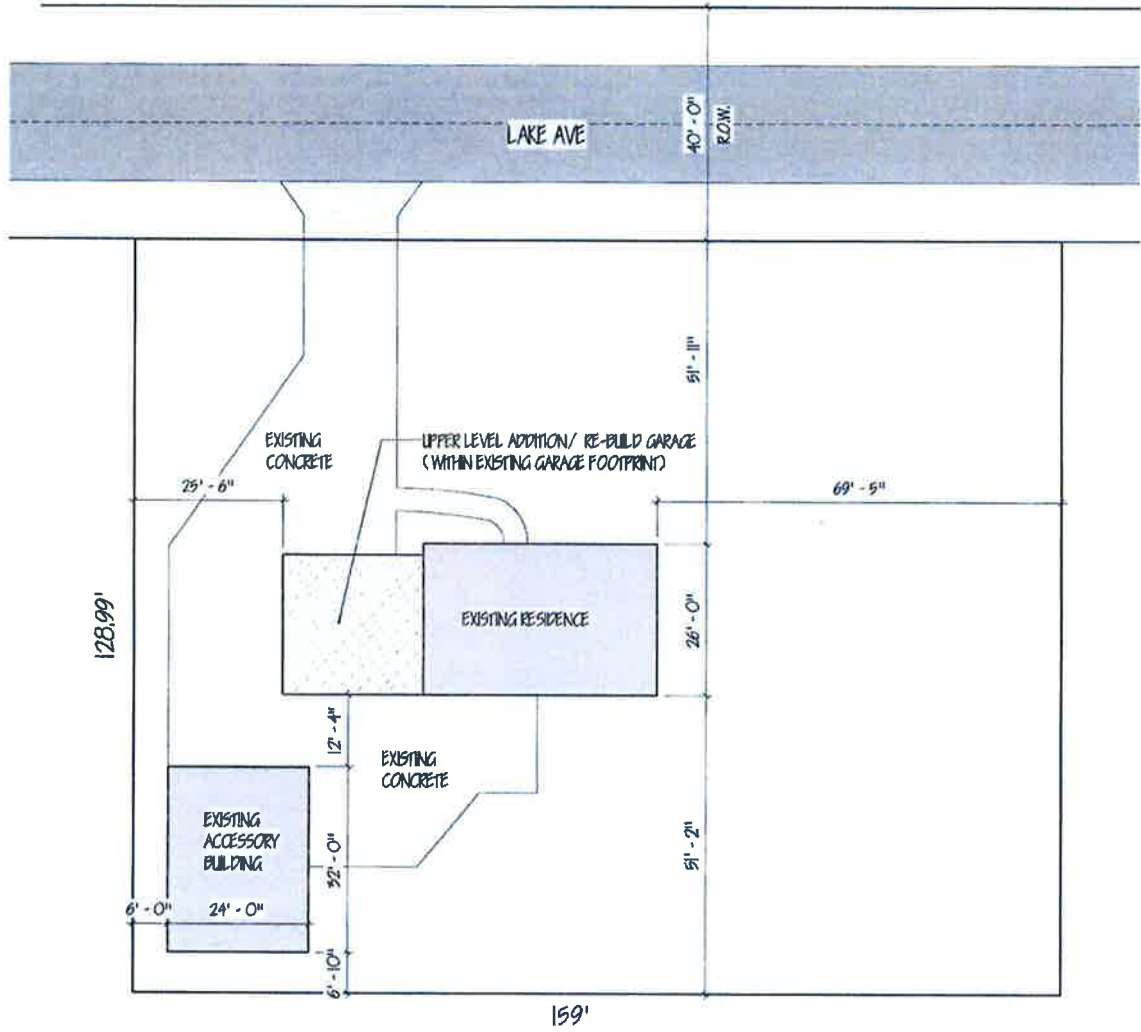
() Application Denied

Description of variance granted or other action taken including conditions imposed, if any:

Grounds for Board action including findings as to standards and requirements prerequisite to imposition of conditions under ordinance:

Signature of ZBA Chairperson

Date



15944 LAKE AVE
 GRAND HAVEN, MI
 PARCEL #70-07-02-132-039
 0.17 ACRES
 ZONED: R-2 SINGLE FAMILY RESIDENTIAL
 SETBACKS: 50'(F), 10'(S), 50'(R)
 MAX HEIGHT: 35'
 MAX LOT COVERAGE: 40%
 Actual: 5,472sf / 20,509sf = 26.68% coverage

Narrative

1. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

The existing accessory building predates the current zoning ordinance requirements for setbacks.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

This variance will allow for the existing accessory building to be maintained and used in its current condition and location. The zoning ordinance allows for an accessory structure to be built, so we would like to keep the existing structure as it currently exists.

3. That authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

The authorization of this variance will not be detrimental to any adjacent property or impair an adjacent property owner from fully utilizing their property. The existing accessory structure has been in place for many years and does not cause any detrimental effects to any of the adjacent properties. This variance also does not impair the intent of the Ordinance, in that it is for an existing accessory structure that predates the current Ordinance requirements for setbacks. If a new accessory building were to be built, it would need to meet the current requirements.

4. That the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of the Ordinance.

Because the variance from the setback requirements is for an existing accessory structure that predates the current Ordinance, it will not create a situation that would be generally or commonly experienced by other property owners in the area that want to construct an accessory building.