

ZONING BOARD OF APPEALS

Regular Meeting

December 19, 2017

Present: Chairman Steve Haberkorn, Members Vern Johnson, Bob Swartz, and Russ Boersma. Also present was Community Development Director John D. Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Laurie Slater.

Absent: Elliott Church

The meeting was called to order by Chairman Haberkorn at 5:30 p.m. Chairman Haberkorn explained the process to the audience.

Hearing declared open to consider a petition to extend a nonconforming use submitted by Randy Bouwkamp on behalf of K & T Property Management, LLC for property located at 355 Douglas Avenue, known more specifically as parcel number 70-16-19-457-013. Petitioner is requesting to extend the nonconforming use by renovating the existing building for office purposes. The building is nonconforming because it fails to meet the required 50-foot building setback from a public right-of-way. The subject property is zoned C-2, General Commercial.

Present for this request was Randy Bouwkamp of Bouwkamp Builders on behalf of K & T Property Management, LLC.

Mr. Bouwkamp explained to the Board that he would like to renovate the building at 355 Douglas Avenue to use this space as his office location. On the exterior he proposes to upgrade the siding, windows, roofing and fascia. He would be adding insulation. On the interior they would be adding a kitchen, relocating the bathroom, and relocating the entry location. The front setback would remain the nonconformity of the building. The proposed renovations would not make the building any further out of compliance than it already is.

The Board asked for staffs input on the Zoning. Mr. Broersma stated that the zoning is C-2 General Commercial and office is a permitted use in the C-2 zoning District. The nonconformity is the setback from the road right-of-way, which is only 15 feet instead of the required 50 feet.

They would also eliminate the patio and walkway in the front of the building and replace it with green space. The columns would go no further towards the road than the face of the building.

At this time there is no designated parking for this building. The only parking that would be needed would be for employees and an occasional guest. Parking would not be an issue except when Captain Sundae is busy during the summer months. It was noted that Captain Sundae's busy time is usually in the evening after the proposed offices would be closed.

There was no one present in the audience to speak to this request.

** It was moved by Mr. Boersma and supported by Mr. Swartz to close the hearing. Motion carried.

The Board went over the three standards to review when considering the extension of a nonconforming use.

1. Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.

The renovation of the building could extend the probable duration of the nonconforming building, but they are not adding on to the building. Nor are they making it more nonconforming than it already is. Their usefulness of the building is being extended. The setback is consistent with surrounding properties. This is not a request for a variance, which would stay with the property indefinitely, but a request to extend a nonconforming use.

2. Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.

There would be no adverse effect of the remodeling or modernization of the nonconforming structure on the adjoining lands or other properties in the surrounding neighborhood. The proposed exterior changes would make the building look better as it has been there a long time without any updates.

Mr. Broersma informed Mr. Bouwkamp that he would need to show dedicated parking on his plans that would be required for a building permit.

3. The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.

There would be no adverse effect. It would help the adjoining lands and surrounding neighborhood because it would look better.

** It was moved by Mr. Johnson and supported by Mr. Boersma to grant the request as presented.
Motion carried.

There were no public comments.

The minutes of November 28, 2017 were approved as written.

Next on the agenda was election of officers.

** It was moved by Mr. Boersma and supported by Mr. Swartz that the slate of officers continue as is with Mr. Haberkorn as the Chairman, Vern Johnson as the Vice-Chairman and Elliott Church as the Secretary. Motion carried.

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Laurie Slater

Recording Secretary