

ZONING BOARD OF APPEALS

Special Meeting May 8, 2018

Present: Vice Chairman Vern Johnson, Members, Russ Boersma, Bob Swartz and Ross De Vries. Also present was Community Development Director John D. Said and Assistant Community Development Director Corey Broersma.

Absent: Chairman Steve Haberkorn and Elliott Church

The meeting was called to order by Vice Chairman Johnson at 5:30 p.m., and he explained the Public Hearing process to the audience.

Hearing declared open to consider multiple variances submitted by Dennis and Gail Jacobs for property located at 610 Lawn Avenue, known more specifically as parcel numbers 70-16-30-306-006. Petitioner is requesting the following variances for the purposes of re-constructing an existing dwelling with additions for increased living area and an enlarged attached garage: 1) Petitioner is requesting to extend the nonconforming use by utilizing the existing residential dwelling's foundation and floor system for new construction; and 2) Petitioner is requesting a nonuse variance of 19 feet from the minimum 35 foot front yard setback; resulting in a front yard of 16 feet for a 3rd stall garage addition. The subject property is zoned Single-family Residential (R-1).

Present for this request was Dennis Jacobs.

Mr. Jacobs explained that he would like to reconstruct the residential dwelling utilizing the existing foundation and floor system, as well as add a third stall onto the garage. When Mr. Jacobs presented the plans to staff, it was determined that the changes involved everything except the existing foundation and floor system, thus requiring ZBA approval for nonconforming structure. Mr. Jacobs further explained that he would be sensitive to the neighborhood and that the house would be a quality house.

The topography of the property makes meeting the setback requirements difficult because the property slopes sharply towards the lake.

Bruce Jackson of 622 North Shore Drive was present in the audience to speak to this request. He was not in favor of the request. He cares for the neighborhood and the oak trees and the cottage feel of the area. The trees are gone and he is not thrilled about a "mega-house" on the right-of-way.

The staff clarified the two petitions and the previous request that had been granted March 23, 1999.

Mr. Boersma asked for more details about the roof height.

Mr. Jacobs explained the desire for main floor ceilings to be an additional 2 feet higher and showed how the original building plans utilized a gable roof, but that was changed to a hip roof so as to reduce the mass of the home.

Mr. Jacobs indicated the request for a third stall is comparable to the houses to the east and west and the large two-stall across the street. The house will be attractive and a better structure than what there is now.

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

The Board went over the four standards to review when considering a nonuse variance request. (front yard setback)

Would strict compliance with the minimum area, yard setbacks, frontage, height, bulk, density, or other regulations of the Zoning Ordinance be unnecessarily burdensome? – Yes. There are no houses in this neighborhood that meet the setback requirements. The request is not making the setback any closer to the road than it already is.

Would granting the requested variance do substantial justice to the applicant as well as to other property owners in the zoning district, or would a lesser relaxation than that applied for provide substantial relief to the property owner and be more consistent with justice to other property owners in the district? – They would be using the existing foundation. The proposed structure would be an improvement.

Is the plight of the property owner/applicant due to the unique circumstances of the property (e.g. an odd shape or a natural feature, such a wetland or stream) and not to general neighborhood conditions in the area? - The unique circumstances of the property is the topography of the property. It slopes sharply towards the lake.

Are the practical difficulties alleged self-created? - No

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

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

Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use. – The house has been there a long time. Repurposing the foundation and rebuilding would be a good investment.

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. - The house has been there a long time. Rebuilding a house in the exact spot is not going to change the use of the property or interfere with the use of adjoining land.

Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use. – No negative impact. We have no control over tree removal.

** It was moved by Mr. De Vries and supported by Mr. Swartz to grant the request as presented. Motion carried.

Public Comments:

Mr. Jacobs commented on his project to assure the neighbors that he will have an extensive landscape plan. Two of the trees that were removed were on the neighbor's property, but one was dead.

The meeting adjourned at 6:04 p.m.

Respectfully submitted,

Laurie Slater

Recording Secretary