

ZONING BOARD OF APPEALS
Regular Meeting
May 22, 2018

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

Absent: Bob Swartz

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

Hearing declared open to consider multiple petitions for an additional or larger accessory building submitted by Nathan and Nicole Van Oss for property located at 12065 James Street, known more specifically as parcel number 70-16-16-400-024. Petitioner is requesting: 1) A variance of 1,020 square feet from the maximum 480 square foot allowable size for a detached accessory building on a lot more than 1 acre but less than 2 acres; resulting in a detached accessory building of 1,500 square feet; and 2) A variance of 4 feet 8 inches from the maximum 12-foot height for a detached accessory building on a lot more than 1 acre but less than 2 acres; resulting in a detached accessory building height of 16 feet 8 inches. The subject property is zoned Single-family and Two-family Residential (R-2).

Present for this request was Nicole Van Oss.

Mrs. Van Oss explained to the Board that they would like to build a 1,500 square foot accessory building for storage of vehicles. They have a camper, three vehicles, a plow truck and three trailers (1 open trailer, 1 enclosed trailer and another small one for moving the lawn mower). They have a standard size attached garage and it is difficult to get the Suburban and the Ford F150 in the garage and still get in and out of the vehicles in the garage. They would like to store their camper inside the proposed accessory building as they believe someone may have lived in it while being stored in the yard. The cost to store a car is \$100-\$130 per month and the cost to store a trailer is \$80-\$90 per month.

The proposed building would be of blue steel with white trim. They would redo the two end triangle peaks and the front triangle peak of the existing house at the same time and they would be of steel to match the accessory building. There are trees on two sides of the property, limiting the view of the accessory building. Mrs. Van Oss stated that there are similar accessory buildings in the area. There are no other accessory buildings on the property. The building would meet all the required setbacks. There would be a crushed asphalt driveway back to the accessory building.

Mr. Church stated that with the new ordinance, they would need storage for two vehicles. Because the size of the property is 1.12 acres the camper and the three trailers would be

allowed to be stored outside. The plow truck is a commercial vehicle and it too may be stored outside.

The Board asked Staff what percentage of lot coverage the 1,500 square foot accessory building would take up. The lot coverage would be less than 3% (3% would be 1,581 square feet).

There was discussion of adding a third stall to the existing attached garage. Mrs. Van Oss stated that the topography of the property does not allow for it. The driveway is steep. There was further discussion about a lesser relaxation. The Board asked Staff about the future land use of the property being Mixed Use and what that meant. Mr. Broersma explained that residential property is allowed in a Mixed-Use zoning district.

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

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

The Board went over the eight standards to review when considering an oversized accessory building.

1. The size of the lot or parcel of land – 1.2 acres
2. The intended use for the building(s) – Personal Storage
3. The size, proposed location, type and construction, and general architectural character of the building(s) -Steel siding that will match the triangle peaks of the existing house
4. The type and kind of other principal and accessory buildings and structures presently located on the lot or parcel of land - None
5. The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood – The neighbor has a 20 x 40 accessory building. There are others, but not in the immediate neighborhood.
6. Whether the building(s) will affect the light and air circulation of any adjoining properties or be visible from any adjoining properties – No adverse effect on the light and air circulation of adjoining properties; The building would be visible to neighbors.
7. The effect of the building(s) on the surrounding neighborhood – No adverse effect
8. The environmental effect of the building(s) or their proposed use – No adverse effect

** It was moved by Mr. Church and supported by Mr. Boersma to table the request to give the applicant an opportunity to consider other options. The applicant stated that she

did not need time to consider other options. She needed the accessory building and would be willing to accept a lesser relaxation of 1,200 square feet. Motion defeated with all opposed except Mr. Boersma.

** It was moved by Mr. De Vries to grant the request as presented for the 1,500 square feet. Motion died due to no support.

** It was moved by Mr. Johnson and supported by Mr. Church to grant the request for a lesser relaxation of 1,200 square feet. Motion carried with one opposition from Mr. DeVries.

The Board then considered the second half of the request for a height variance of 8 inches on the accessory building. The applicant is allowed to have an accessory building of 16 feet in height on a parcel of over one acre. They need a 12-foot door to get the camper into the accessory building.

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

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

The Board again went over the eight standards to consider for height variance on an accessory building.

1. The size of the lot or parcel of land – 1.2 acres
2. The intended use for the building(s) – Personal Storage
3. The size, proposed location, type and construction, and general architectural character of the building(s) -Steel siding that will match the triangle peaks of the existing house
4. The type and kind of other principal and accessory buildings and structures presently located on the lot or parcel of land - None
5. The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood – The neighbor has a 20 x 40 accessory building. There are others, but not in the immediate neighborhood.
6. Whether the building(s) will affect the light and air circulation of any adjoining properties or be visible from any adjoining properties – No adverse effect on the light and air circulation of adjoining properties; The building would be visible to neighbors.
7. The effect of the building(s) on the surrounding neighborhood – No adverse effect
8. The environmental effect of the building(s) or their proposed use – No adverse effect

** It was moved by Mr. Church and supported by Mr. Johnson to approve the request as presented with the stipulation that no living quarters, business, trade, or industry will take place in the building and the asphalt mills will not go beyond the concrete pad so they do not get tracked onto the road and the accessory building will match the peaks of the house when done. Motion carried.

Hearing declared open to consider multiple petitions for an additional or larger accessory building submitted by Gerald and Carolyn Sebright for property located at 2994 132nd Avenue, known more specifically as parcel number 70-16-17-200-013. Petitioner is requesting: 1) An additional variance of 1 detached accessory building from the maximum number of 1 allowed for a dwelling with an attached accessory building; resulting in a lot with 3 detached accessory buildings; 2) A variance of 1,424 square feet from the maximum 576 square foot allowable size for a detached accessory building on a lot more than 2 acres in size; resulting in a detached accessory building of 2,000 square feet; and 3) A variance of 5 feet from the maximum 16 foot height for a detached accessory building on a lot more than 2 acres in size; resulting in a detached accessory building height of 21 feet. The subject property is zoned Single-family and Two-family Residential (R-2).

Present for this request was Gerald Sebright.

Mr. Sebright explained to the Board that he currently has two other accessory buildings on the property, but they are not tall enough or long enough to get the motor homes into. The property is 2.76 acres in size. The existing buildings are 35' x 50' built in 2003, 24' x 32' built in 1988 and there is also a 10' x 12' that would be removed if this request is approved. With the removal of the smaller accessory building and adding the proposed 40' x 50' accessory building, the lot coverage of the three accessory buildings would be 4.2%. The building would match the two existing buildings in construction. The Board asked if there was going to be any businesses run out of the accessory buildings. Mr. Sebright stated that he owns a machine shop and it is at another location. Mr. Sebright further stated that when he purchased the property the front was zoned R-2 Residential and the back portion was zoned Agricultural and he believed he could put up as many buildings as he wanted. Then the property got rezoned and he had no say about it.

They have three motor homes, six enclosed trailers, two street rods, four race cars and two junior dragsters that are now the family hobby that they need storage for. Their place has been vandalized in the past and they don't want to have to clean that mess up again. Also, they spent a lot of money on these vehicles and don't want them deteriorating outside. They are trying to protect what they have.

They did speak to one neighbor, Steven King at 2990 Royal Blue Court, and he was in favor of the request.

The Board had concerns of setting a precedence of three large scale accessory buildings for storage.

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

The Board went over the standards to review when considering an additional oversized accessory building.

1. The size of the lot or parcel of land – 2.76 acres
2. The intended use for the building(s) – Personal Storage
3. The size, proposed location, type and construction, and general architectural character of the building(s) - The building would match the other two accessory buildings – steel with shingles
4. The type and kind of other principal and accessory buildings and structures presently located on the lot or parcel of land -There are currently three other accessory buildings on the property
5. The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood – There are none. The neighborhood changed after the property was developed, it was a blueberry field.
6. Whether the building(s) will affect the light and air circulation of any adjoining properties or be visible from any adjoining properties – No adverse effect on the light and air circulation of adjoining properties; The building would be visible to neighbors, there is a buffer of trees
7. The effect of the building(s) on the surrounding neighborhood – No adverse effect
8. The environmental effect of the building(s) or their proposed use – No adverse effect

** It was moved by Mr. Boersma and supported by Mr. Johnson to deny the request for a third oversized accessory building. Motion carried with one opposition from Mr. DeVries.

Since the request for the third building was denied, it makes the size and height variance requests a moot point.

Hearing declared open to consider multiple petitions for an additional or larger accessory building submitted by Dirk and Donna Kooiker for property located at 999 142nd Avenue, known more specifically as parcel number 70-16-07-381-030. Petitioner is requesting: 1) A variance of 480 square feet from the maximum 240 square foot allowable size for a detached accessory building on a lot of less than 1 acre; resulting in a detached accessory building of 720 square feet; and 2) A variance of 3 feet from the maximum 12-foot height for a detached accessory building on a lot of less than 1 acre; resulting in a detached accessory building height of 15 feet. The subject property is zoned Single-family Residential (R-1).

Present for this request was Donna Kooiker.

Mrs. Kooiker explained to the Board that they purchased the property three years ago. The lot was over grown and people were dumping their trash there. They cleared the lot to make room for an accessory building for personal storage. They left some trees for a buffer.

They have two hobby vehicles (hot rod car and 1983 Ford Pick Up) and two daily driving vehicles to store. They are currently paying \$200 per month to store two of the vehicles off site. Mr. Kooiker would also like to have a place for his hobby away from the house to keep the glue smells out of the house and for storage of his tools.

There is a row of pine trees that would block the view from the condos.

There were two letters in opposition submitted to staff. Mr. Haberkorn read them to the audience. (See attached) One from the Ashbury Condominiums Association members stating that "the property owner already does a lot of outdoor work at his home, which is at times noisy and a large outbuilding would result in more noise and potentially devalue our properties due to the impact on the view from the condominiums". It was signed by 14 residents. The second was from Robert Scholten of Robert's Barber Shop at 692 E Lakewood Blvd. He read about the request and stated that he had been turned down for an oversized accessory building and would like to see the applicant have to play by the same rule as he had to.

There was discussion of similar buildings in the surrounding neighborhood. Access to the building would be a crushed concrete driveway. It would have gray siding. The roof would be steel and the house would also get a new steel roof at the same time so they would match. The property is approximately .49 acres in size not including the right-of-way. The lot coverage of the accessory building would be 3.3%. There is currently a fence and pine trees for buffering.

Staff stated there was some concern from the Building Department that the proposed structure would not be aesthetically compatible with the neighborhood. Also, was the garage to have a dirt floor or would it have a foundation. Mr. Kooiker replied that it costs \$500 to get a copy of the plans. If you purchase the building, the plans come with it. He assured the Board that the accessory building would have a full foundation and it would match the existing house.

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

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

The Board went over the eight standards to review when considering an oversized accessory building.

1. The size of the lot or parcel of land – .5 acres
2. The intended use for the building(s) – Personal Storage
3. The size, proposed location, type and construction, and general architectural character of the building(s) - Steel building and roof to match the house in color and the roof in materials
4. The type and kind of other principal and accessory buildings and structures presently located on the lot or parcel of land -Garden Shed 8' x 10'
5. The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood – There are none within the 300 foot radius
6. Whether the building(s) will affect the light and air circulation of any adjoining properties or be visible from any adjoining properties – No adverse effect on the light and air circulation of adjoining properties; The building would be visible to neighbors, there is a buffer of trees and a fence
7. The effect of the building(s) on the surrounding neighborhood – No adverse effect
8. The environmental effect of the building(s) or their proposed use – No adverse effect

** It was moved by Mr. Johnson and supported by Mr. DeVries to grant the request as presented with the stipulation that the garden shed be removed directly after completion of the new building. Motion carried with one opposition from Mr. Church.

The Board next considered the 3-foot height variance of this accessory building. The height variance is for the $\frac{3}{4}$ ton pick up truck that won't fit into the garage with a 7-foot door.

Mr. Church wanted the applicant to know his reasons for opposition, which were the opinions of the surrounding property owners objecting to the variance. He is serving others rights.

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

The Board went over the eight standards again for this request. (See above)

** It was moved by Mr. DeVries and supported by Mr. Johnson to grant the request as presented. Motion carried with one opposition from Mr. Church.

Hearing declared open to consider a petition to extend a nonconforming use submitted by Tim Waterway for property located at 10928 Adams Street, known more specifically

as parcel number 70-16-35-100-066. Petitioner is requesting to extend the nonconforming use by re-constructing the dwellings failing foundations. The dwelling is nonconforming because it fails to meet the required 60-foot front yard setback from a public right-of-way. The subject property is zoned A, Agriculture.

Present for this request was Tim Waterway.

Mr. Waterway explained to the Board that his situation started on February 21 with a rainstorm. He went into the basement and his cement block wall had broken down on the north wall. The soil is clay and it had soaked up the rain and pushed the wall in. When he purchased the house 23 years ago he noticed some of the walls were bowed and there was caulking in the cracks. When he cleared out the cement blocks, there was no foundation.

He did what he called an emergency repair. He had contacts in the construction field, commercial bricklayers, and asked them how to fix the wall. They got the clay out of the way and put in footings and re-rod new cement to fix the whole wall. This put stress on the remainder of the wall and now the east wall was in jeopardy. The east wall is 28 feet long. It too was repaired to prevent the walls from coming down.

Mr. Waterway did what he had to do to restore the residence to a livable state. He was unaware that he needed a variance to do any of this until he decided to put a door down to the basement, at which time he came in for a building permit. The house is nonconforming in that it does not meet the 60-foot Agricultural front yard setback. His setback is 40 feet. If this property were zoned residential, he would need a 35' setback. Even if this property was to come down completely, the 60-foot front yard setback would not be able to be met because of the topography of the property.

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

** It was moved by Mr. DeVries and supported by Mr. Church to close the hearing. Motion carried.

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

1. Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use. – It was a repair, not an improvement or change. It was needed to hold up the structure. It was for the health, safety and public welfare which is what the Township is to protect for its residents.

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. – No

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. – No adverse effect.

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

There were no public comments.

Board Members and Staff thanked Mr. Johnson for his years of service and dedication to the Township, as he is retiring after 50 years of service. His knowledge has been valuable to the discussions and the decisions made by the Board. Mr. Church called them “Gems”.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Laurie
Recording Secretary

Slater