

ZONING BOARD OF APPEALS
Regular Meeting
June 23, 2020

Present: Chairman Steve Haberkorn, Member Jack Vander Meulen, Elliott Church and Ross DeVries. Also present were Community Development Director John D. Said and Assistant Community Development Director Corey Broersma.

Absent: Vice-Chairman Russ Boersma and Recording Secretary Laurie Slater

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

** It was moved by Mr. Church and supported by Mr. Vander Meulen that the Minutes of April 28, 2020 be approved as written. Motion carried.

Chairman Haberkorn explained the Public Hearing process to the audience and thanked John Said for recording the minutes in Laurie's absence.

Hearing declared open to consider a petition for extension of a nonconforming use submitted by Jason Kortman for property located at 59 River Hills Drive, known more specifically as parcel number 70-16-20-451-014. Petitioner is requesting extension of a nonconforming use for an existing home that does not meet the required front setback of 35 feet. The house is approximately 0 feet from the lot line, although information submitted from a scaled plan for a utility project indicates that the existing home is set back approximately 10 feet from the front lot line. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Jason Kortman.

Mr. Kortman explained to the Board that he purchased the home and wants to renovate it for his residence. In order to pursue that, he needs to obtain permits, and first needs approval for the home in its present location because it does not meet the setback requirement.

Mr. Church asked if there is any plan to change the front façade of the home. Mr. Kortman replied that the front awning will be removed, and the front bushes will be removed and replaced by new landscaping. Mr. Kortman also plans to change the front door steps to be accessed from the west instead of being accessed from the north as they do now (towards the driveway).

The steps were further discussed by Mr. Kortman, Board members, and Staff. It was determined that the steps and landing shall not extend closer to the front lot line than the existing porch, and will be reflected in the conditions for this request.

Upon a question from Mr. Church, the applicant replied that there is no existing survey for the property, but confirmed that one will be completed.

Board members then discussed with the applicant and Staff the requirements for installation of a garage. It was determined that a garage is understood to be required for the home, and that the condition of approval as included in the Staff Report appropriately addresses this matter.

There was no one online to speak to this request.

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

The Board went over the standards to review for an 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 proposed change consists of renovation of the existing home without increasing the non-conformity in terms of the front building setback. The proposed improvements definitely extend the duration of the nonconforming home, but there is no other option to comply with the Ordinance other than tearing the home down.

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.*

The proposed improvements are being made to the existing home, so the use of adjoining lands and properties should not be affected.

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.*

The existing house fits into the neighborhood, and the proposed renovations should help to improve the area's appearance, which should have a positive effect on surrounding areas.

** It was moved by Mr. Church and supported by Mr. Vander Meulen to approve the request as presented, subject to the following conditions of approval:

- 1) The applicant shall be required to install a code-compliant garage for the subject lot. Initial garage permit must be obtained prior to any permits being issued for the home, and a final inspection and approval for the garage must be issued prior to final building inspections for the home.
- 2) Prior to the issuance of any permits, the applicant shall provide a survey document to confirm the home's location. Should the survey show that the home extends onto the River Hills right-of-way, the applicant shall be required to provide written approval of the home's placement from the Ottawa County Road Commission to the Township prior to the issuance of any permit.
- 3) If the home is shown to extend into the right-of-way, the front porch structure shall be removed from the home, with a new code-compliant entry installed.

- 4) If the survey confirms that the home is out of the right-of-way, then the new steps and landing to be installed to the front entrance shall not extend closer to the front lot line than the existing porch.

Roll call vote. Motion carried unanimously.

Hearing declared open to consider a petition for extension of a nonconforming use submitted by Jim Cook on behalf of Tushar Patel for extension of a nonconforming use for property located at 2888 West Shore Drive, known more specifically as parcel number 70-16-16-181-009. The petitioner is requesting an extension of a nonconforming use for the reconstruction and restoration of a detached canopy adjacent to an existing commercial building (Best Western Plus) that does not meet the required front yard setback.

The applicant was not present to speak to this request.

** It was moved by Mr. DeVries and supported by Mr. Vander Meulen to table the request to a future meeting.

Chairman Haberkorn asked if there were any general public comments; there was no reply.

Under Other Business, the Zoning Board and Staff began discussion regarding interpretation of the Zoning Ordinance concerning accessory buildings. Specifically, Staff is seeking direction on what is required for accessory buildings to be “compatible and similar” to the principal structure, as referenced in Section 8. of the Ordinance.

Primarily, Staff is asking whether a different roof style on an accessory building, such as gambrel, would be considered too different if the principal structure had a different type of roof, such as a gable. Board members discussed larger accessory buildings, such as garages, and smaller ones such as sheds. After further discussion concerning designs, kits, and related items, they directed as follows:

- Larger accessory structures such as garages shall have roof styles that match the principal structures, while smaller ones such as sheds under 200 square feet in size and exempt from building permits may have a different roof style such as a gambrel roof when the home has a gable roof.
- Colors and siding types of accessory structures need to be compatible and similar to principal structures regardless of size.
- Staff can continue to use their best discretion on interpretation of this Ordinance requirement, and any points of contention or appeals of Staff decisions may be presented to the Zoning Board of Appeals for their decision, either as an appeal to a Staff decision or as an interpretation of any ambiguity.

The meeting adjourned at 6:26 p.m.

Respectfully submitted,
John D. Said, AICP, Director of Community Development