

ZONING BOARD OF APPEALS MEETING

April 14, 2010

MEMBERS PRESENT: Brian Boersma, Kim Arter, Gary Charles, Roland Falkowski and John McDonnell

MEMBERS ABSENT: Bob Neis

ALSO PRESENT: Dick Grenell Twp. Zoning Administrator, Veronica West Recording Secretary, Rod Siegel Twp Building Official and Petitioner Jack Vandenberg

PURPOSE: Act on Zoning Variance Request No. 10-01 of Jack Vandenberg, 4474 W Giles Rd, Muskegon, MI 49445 for a variance from the strict zoning ordinance, to construct an accessory building in a front yard, contrary to the provisions of Section 3.18B of the Laketon Township Zoning Ordinance.

Parcel# 61-09-005-300-0033-00 also know as 4474 W Giles Rd.

Mr. Brian Boersma opened the public hearing at approximately 6:00 PM.

- The request for a variance was read by Kim Arter and with the attached site plan was entered as Exhibit A.

The following items were introduced and also entered as exhibits:

- Exhibit B – Chronicle notice of ZBA Hearing published Saturday April 24, 2010.
- Exhibit C – List of surrounding property owners within 300 feet notified of the variance request.

It was noted no communications, written or verbal, were received by the Township with regard to this variance request.

Mr. Brian Boersma asked if the members had all been able to visit the site. It was noted that all ZBA members present had been able to visit the property and building site noted in the variance application.

Mr. Boersma asked the petitioner if he had any additional comments to add to their written petition. Mr. Vandenberg informed the ZBA that he intends to construct this building for garage purposes and then to convert his existing attached garage into additional living space to accommodate his growing family. Mr. Vandenberg gave a verbal report on his site plan and indicated that he his west side yard setback measurement is from the well rather than the lot line as he is unsure of the exact location of the lot line at this time. He also provided photos of the front of his home where he intends to place the building and of the rear yard.

There was extensive discussion regarding the location of the well and the side yard setback as it is unclear where the well lies in relation to the west property line. Mr. Dick Grenell brought in the property record folder which contained a survey drawing from 1998. The survey does not note the location of the well. The lot is 82.5 feet in width and the house is 48 feet in width. The survey drawing had the house footprint hand drawn on it showing the house has a 17 foot setback from the west side property line.

Mr. Falkowski noted that the site plan turned in by Mr. Vandenberg shows the house being 700 feet from Giles Rd, whereas the survey drawing shows the house being 650 feet from Giles Rd. Mr. Vandenberg stated the 700 feet was his estimate and he added that the proposed building would be at least 600 feet from Giles Rd and would not be seen from the road.

Mr. Boersma asked what issues would be created by placing the building in the rear yard behind the house as the ordinance requires. Mr. Vandenberg referred the ZBA to the photos of his rear yard and stated the building would ruin the view of his back yard and would also be very difficult to get to as he would have to create a driveway around the entire house to access the rear yard. In addition he stated his septic system is located in the rear yard and would most likely need to be moved in order to place the building in the rear yard.

Mr. Charles asked Mr Vandenberg what type of construction he intends to use. Mr. Vandenberg stated he will put down a cement pad, two courses of block and then traditional frame construction. He added that he will side and roof the building to match the home.

There were no other comments from the audience.

Mr. McDonnell moved to close the public portion of the meeting. Mr. Charles supported the motion. The motion carried by voice vote and the public portion of the meeting closed at 6:27 pm.

Mr. McDonnell stated his concern is the location of the west property line and ensuring the appropriate side yard setback is maintained.

Mr. Boersma commented that he feels it would be difficult to locate the building in the rear yard due to the septic system location, which may need to be moved and the narrowness of the property.

Mr. Charles commented that his main concern is the side yard setback, not knowing exactly where the property line is.

Mr. McDonnell moved to approve the request to locate the accessory building in the front yard, as proposed, due to the difficulty in locating it in the rear yard contingent upon the exact location of the west lot line being located and a side yard setback of no less than 25 feet be maintained from said lot line,

Findings of Fact:

- The parcel is very narrow, being only 82.5 feet in width.
- The septic system that serves the existing home is located in the rear yard.
- The proposed location of the proposed accessory building is more than 600 feet from West Giles Road.
- Due to the property being located in an R-1 Zoning District, which requires a minimum lot area of 3 acres and a minimum lot width of 200 feet, and future land divisions of this property or properties on either side very unlikely.
- The building would not be visible from West Giles Road.
- The Chaddock Drain runs across the rear of the property.

Mr. Charles supported the motion.

Mrs. Arter asked who would then be responsible for verifying the 25 foot side yard setback. It was noted it is the homeowner's responsibility to show where the lot line is and then the Zoning Administrator Dick Grenell and the Building Inspector Rod Siegel will each verify the 25 foot measurement from the lot line to the proposed site of the structure during the building permit application process.

A roll call vote was taken.

Voting in favor of the motion: Mr. Charles, Mr. McDonnell, Mr. Boersma, Mrs. Arter and Mr. Falkowski

Voting in opposition of the motion: None

Motion passed.

Other business:

Approval of Meeting Minutes of ZBA Meeting of 10/27/2009. Mr. John McDonnell moved to approve the minutes as presented. Mrs. Kim Arter supported the motion. The motion carried.

Mrs. Arter informed the ZBA Members that an updated Zoning Ordinance is being printed and will be available shortly for the members. The updated copy includes all adopted amendments, including those adopted in April 2010.

Mr. Charles moved to adjourn the meeting. Mrs. Arter supported the motion. The motion carried.

The meeting adjourned at 6:40 PM

Submitted by: Veronica West, Recording Secretary