

ZONING BOARD OF APPEALS MEETING

July 27, 2010

MEMBERS PRESENT: Bob Neis, Kim Arter, Brian Boersman, John McDonnell and Gary Charles

MEMBERS ABSENT: None

ALSO PRESENT: Veronica West Recording Secretary, Dick Grenell Zoning Administrator, Rod Siegel Building Inspector, Petitioner Deanna Compton and builder Robert Lewis of 6704 Douglas Trail, Twin Lake, MI.

PURPOSE: Act on Zoning Variance Request No. 10-03 of James Lee & Deanna J. Compton of 1813 N Buys Rd, Muskegon, MI 49445 for a variance from the strict zoning ordinance, to construct a home addition with a front yard setback of 73 feet instead of the required 100 feet, contrary to the provisions of Section 3.29 of the Laketon Township Zoning Ordinance.

Parcel# 61-09-003-200-0026-00 also know as 1813 Buys 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 July 10, 2010.
- Exhibit C – List of surrounding property owners within 300 feet notified of the variance request.

It was noted there were a couple of phone inquiries with regard to this variance request but callers left no comments.

Chairperson Brian Boersma asked Mrs. Compton if she had any comments or information to add to her written petition. Mrs. Compton stated the addition is for a master suite (bedroom and bathroom) to accommodate her aging father who has been recently diagnosed with Alzheimer's disease. She added that the other possible locations have been ruled out for various reasons; the west has the septic system, the south has a rather large slope/ravine, the north has the driveway and detached garage. She also noted there will be other improvements to the home, including new siding on the entire home and landscaping. In addition, Mrs. Compton noted that there is a 2 foot bump out on the front of the proposed addition which would make the setback about 70 feet instead of 73 feet.

Bob Neis noted the south option does not appear to be a deal breaker with the slope/ravine, but would definitely add some cost to the project. Mrs. Compton commented that an addition in that location would also block the view of the creek from the kitchen/rear area of the house and she didn't think it would even be feasible on that slope.

John McDonnell asked if the south option would put the home within a floodplain being nearer to the creek than the proposed east location.

There was discussion of the front yard setback and the reasons for it being increased to 100 feet. Dick Grenell noted it was to keep a rural feel to the township. It was also noted that the existing home has a setback less than the 100 feet now required.

The submitted site plan drawing and building prints were passed around and reviewed.

Dick Grenell stated that he was the caregiver to his late wife, who also had Alzheimer's disease and he can personally understand the need for the extra living space.

Gary Charles commented that the proposed location and size of the addition and proposed distance from the road would not greatly change the view of the home from the road.

Building inspector Rod Siegel reminded everyone present that any construction within 500 feet of a lake, river, stream etc requires a Soil & Erosion permit be issued by the County.

There was no further comment from the audience and John McDonnell moved to close the public portion of the meeting. Bob Neis supported the motion. The public portion of the hearing closed at 6:17 pm by voice vote.

John McDonnell commented on the need to be able to care for elderly family members and the issue of family responsibility and the lay of the land (ie. the slope/ravine and creek to the south) not being self-created hardships. He also added he doesn't think the addition as proposed would impact the rural feel of the area.

Bob Neis asked about the potential for ZBA rulings to set precedent. It was noted by Brian Boersma that ZBA Variance requests and proceedings are each heard on a case by case basis with each decision being made on the merits of the case.

Brian Boersma also commented on the setback being changed approximately 2 years ago.

Findings of Fact:

- The current front yard setback of the home is approximately 98 feet.
- Other potential locations of the addition are either not feasible due to other structures (septic system to the west and detached garage to the north) or more costly and more difficult (ravine/slope to the south).

Bob Neis moved to approve the request for at front yard setback as presented in the site plan drawings and provided that all drawings, prints and proposed plans presented are followed and all required permits for construction are applied for and issued.

John McDonnell supported the motion.

Voting in favor of the motion: Bob Neis, Kim Arter, Gary Charles, John McDonnell and Brian Boersma

Voting in opposition of the motion: None

The motion passed.

Other business:

John McDonnell moved to approve the minutes of ZBA hearing on petition 10-02 on 05/26/2010 as presented. Kim Arter supported the motion. Motion passed by voice vote.

Kim Arter also noted that state laws have changed and now require the ZBA to meet at least twice per year and while that has been met this year, it is something to keep in mind in the future.

John McDonnell moved to adjourn the meeting. Kim Arter supported the motion. A voice vote was taken and the motion carried.

The meeting adjourned at 6:25 PM

Submitted by: Veronica West, Recording Secretary