

THORNAPPLE TOWNSHIP ZONING BOARD OF APPEALS

Tuesday, June 24, 2019

1. The meeting was called to order by Chairman Tim VerHey at 6:00 p.m. at the Township Hall. Chairman VerHey welcomed those attending.
2. Present: Tim VerHey, Curt Campbell, Linda Gasper, and Martin Wenger. Absent: Craig Stolsonburg. Also present: Catherine Getty, Stephanie Skidmore, Judy Minger, Dave VanHouten.
3. **MOTION** by Wenger, support by Gasper to approve the Agenda as printed. **MOTION CARRIED** with 4 yes voice votes.
4. **MOTION** by Gasper, support by Campbell to approve the May 6, 2019 Minutes as printed. **MOTION CARRIED** with 4 yes voice votes.
5. Officer Elections: **MOTION** by Campbell, support by Wenger to approve the officer slate for one year of Chairperson, Verhey; Vice-Chairperson, Gasper; Secretary, Campbell. **ROLL CALL VOTE:** Campbell, yes; Gasper, yes; Stolsonburg, absent; VerHey, yes; Wenger, yes. **MOTION CARRIED.**
6. Public Comments – No comments.
7. New Business
  - a. Getty stated that the Planning Commission’s Ordinance Committee reviewed Ordinance Section 21.12 (b) and did not feel changes were warranted for extreme special circumstances.
8. Public Hearing
  - a. Variance #110 – 7001 Bouman Drive, Parcel 08-14-040-001-50
    - i. Front Yard Setback Variance Section 5.5(B)(1).
    - ii. Getty provided an overview of the Variance request and indicated that the applicant’s property is located at 7001 Bouman Drive on the northwest corner of Bouman Drive and Parmalee Road. The parcel is zoned Rural Residential (RR) with a front yard setback requirement of 40 feet that is applied to both frontages on Parmalee Road and Bouman Drive. The house is currently a non-conforming building due to the existing 33-foot setback from Parmalee Road. The Barry County Road Commission’s right-of-way widens from a standard 66’ at the intersection of Bouman Drive and Parmalee Roads to 100 feet at the bridge. The standard 66’ right of way is re-established at the west end of the Parmalee Bridge. The applicant is requesting a 12-foot front yard setback variance from Section 5.5(B)(1) to build a 12’x22’ front porch along the southwest corner of her house. If the request is granted, the setback from the Parmalee property line would be 21 feet. Getty stated that she contacted the Barry County Road Commission and Brad Lambert had no idea why the right-of-way widens to this distance and had no issues with approving this variance. Getty stated that the house was built in the 1970’s and predated the zoning ordinances. Wenger expressed concern as to why this setback only applied to one parcel and not to the other parcels on the opposite side of the bridge.
    - iii. Applicant’s comments: Judy Minger stated that when she purchased this parcel she was not aware of the setback/right of way issues and she would like a covered front door entry. She has two concrete slabs in the dimensions of

10'x10' and 12'x10'. Ms. Minger stated that she would like a porch over the concrete slabs and feels that if the variance was approved that it would allow for a more welcoming entryway.

- iv. VerHey opened the Public Hearing at 6:23 p.m. Getty indicated that she did not receive any negative comments from adjacent property owners and stated the Barry County Road Commission did not have any concerns with this variance being granted
- v. VerHey closed the Public Hearing at 6:24 p.m.
- vi. Deliberation: Gasper asked for clarification of the concrete slab dimensions from the applicant. Verhey inquired whether the porch would be enclosed. Minger stated that the porch would not be enclosed and would consist of a roof and columns. Verhey asked whether the house previously contained a porch. Minger stated that the house did not have a porch previously.
- vii. **MOTION** by Campbell, support by Wenger to approve Variance #110 as requested based upon the following rationale:
  1. Strict compliance with a requirement for area, setback, width, building height, and other bulk or density regulation will have the effect of unreasonably preventing the property owner from using the property for a purpose permitted by the ordinance or would be unnecessarily burdensome. Is this a true statement? YES.
  2. Substantial justice would be achieved for the applicant as well as other property owners in the district if the variance is approved. Is this a true statement? YES.
  3. The requested variance is the least relief in order to afford substantial justice for the property owners involved. Is this a true statement? YES.
  4. The practical difficulty is due to uniquely identified characteristics of the property and not related to general conditions in the area of the property. Is this a true statement? YES.
  5. The practical difficulty is not self-created. Is this true statement? YES.
  6. Findings of Fact:
    - a. The unusual setback and right of way requirements only apply to this parcel and not neighboring or adjacent parcels. It seems unreasonable that this parcel must adhere to these requirements when other parcels do not have the same requirements. No justification has been located that details why these requirements have been placed on this parcel.
    - b. It would be unreasonable that only this parcel has to comply with this requirement. In addition, an improvement to this parcel is an improvement to the entire neighborhood.
    - c. Under the circumstances for this parcel, this is the most cost-effective solution. It would be cost prohibitive to move the slab and door to meet the front yard setback requirements from Section 5.5(B)(1).

- d. The practical difficulty is based upon the fact that the easement issues only apply to this parcel and not to adjacent property owners or parcels on the opposite side of the road.
    - e. The practical difficulty was not self-created since the house was in a non-conforming state at the time of applicant's purchase.
  - 7. **ROLL CALL VOTE:** Campbell, yes; Gasper, yes; Stolsonburg, absent; VerHey, yes; Wenger, yes. **MOTION CARRIED.**
- 9. ZBA Member Comments:
  - a. None.
- 10. Adjournment: **MOTION** by Campbell, support by Verhey to adjourn the meeting at 6:35 p.m. **MOTION CARRIED** with 4 yes votes.

Respectfully submitted by:

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Curt Campbell

Secretary

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Stephanie L. Skidmore

Recording Secretary

Approved: 8/29/2019