

THORNAPPLE TOWNSHIP ZONING BOARD OF APPEAL

Regular Meeting, Tuesday, October 20, 2020

7:00 P.M.

1. Call to Order:
 - A. The meeting was called to order by Chairperson VerHey at 7:00 p.m. at the TTES Meeting Room located at 128 N. High St.
 - B. Present: Tim VerHey, Martin Wenger, Curt Campbell, Linda Gasper, Craig Stolsonburg. Also present: Catherine Getty, Amy Brown, Jenifer Pasma, Linda Schrotenboer, Richard Schrotenboer, Dean Pasma, Leo Gilbert, Karen Misichke, Jay Fluegez and Shari Fluegez.
2. Approval of Agenda:
 - A. **MOTION** by Wenger, **SUPPORT** by Stolsonburg to approve the Agenda, **MOTION CARRIED** with 5 yes voice votes.
3. Approval of Minutes:
 - A. **MOTION** by Stolsonburg, **SUPPORT** by Wenger to approve the September 23, 2019 minutes. **MOTION CARRIED** with 5 yes voice votes.
4. Officer Elections: VerHey asked if anyone of the board was interested in becoming the chair or other changes. Stolsonburg asked for a summary of the current officers. Campbell stated he would like to make a motion to leave all positions as they are unless someone wanted to make a change.
 - A. Officer's:
 - i. Chairperson – Tim VerHey
 - ii. Vice-Chairperson – Linda Gasper
 - iii. Secretary – Curt Campbell
 - B. **MOTION** by Campbell, **SUPPORT** by Wenger to leave all positions as they are.
 - C. **ROLL CALL VOTE:** Campbell, yes; Gasper, yes; VerHey, yes; Stolsonburg, yes; Wenger, yes. **MOTION CARRIED, 5 yes and 0 no.**
5. Public Comments: (matters not on the agenda) None.
 - A. Open 7:03 pm
 - B. Close 7:03 pm
6. New Business: None.
7. Public Hearings:
 - A. ZBA File 113 – Appeal of Zoning Administrator's Decision
-The Schrotenboer's application for a zoning permit for an addition to their single-family dwelling located at 7145 Bouman Dr. The administrator denied the application based upon the finding that it violated the zoning ordinance that designated it to be a single-family home only area.

- i. VerHey summarized the documents sent to the ZBA members by Getty in preparation of the ZBA meeting:
 - a. Memo from Getty explaining the decision and appeal.
 - b. Architectural Plan, "Pasma Residence In-law Suite Addition" for the addition with floor plan and front, side and back elevations.
 - c. The most pertinent zoning ordinances that addresses this residential district.
 - d. Also, received prior to the meeting was: memo from township attorney, Teske letter and McAlary letter.
- ii. VerHey asked if anyone wanted to speak on behalf of the Schrottenboer. Richard Schrottenboer replied by requesting if he could speak and introduced, his wife, Linda, daughter Jenifer Pasma, and son-in-law Dean Pasma. Richard summarized the situation as to why they were asking for the permit for the addition. He stated the health/physical needs of the Linda and Richard and the relationship with Jenifer and Dean and the desire for an "in-law suite." Richard stated he has completed all the appropriate steps along the way in regard to the health department. Dean passed the board a paper stating their appeal and providing background. Dean stated that this is not a multifamily but rather one single family. Dean also showed a large picture with some revisions to the design. Explained there will be a single owner listed on the property, one set of utilities with no rental agreement between them. Had also explained plan to neighbors (showing them the plan) and asked them to sign a document expressing their support. Richard was able to get 18 signatures.
- iii. Stolsonburg asked Schrottenboer: What is the current size of the home? Answer, 1650 ft² on the main floor. What is the size of the addition? Answer, 1200 ft². How many rooms are in the addition? Answer, one. How many bathrooms? Answer, one and a half. Did the health department approve it with the current septic system? Answer, yes.
- iv. VerHey asked if Wenger, Campbell or Gasper had any questions at this time. Answer, no. Gasper stated she would first like to hear from Getty. VerHey stated he had a few questions. Were there one or two kitchens? Answer, two. One in the home and one in the in-law suite. Is the basement going to be unfinished for the time being? Answer, that's correct.
- v. Comments from Getty: Schrottenboer's have been good to work with and she appreciates that. After they submitted the original floorplan she suggested a door linking the two main floors was missing. They responded that it was an error by the architect that would be corrected. She looked for a common

housekeeping element to the plan when an -in-law suite type addition is being added which is consistent with the zoning ordinance for the RR zone. Getty believes that with the detached garage, second entrance and full kitchen/dining/living room area that it didn't meet the common household area standard. VerHey clarified further than it was important not to focus on what the current family/home owner structure is, but rather the design of the home and its floorplan because someone else could buy it. So, you need to ask yourself, "Is the design geared more toward separate families rather than a single family?" Getty agreed that is the main question. In the past, others who have added an in-law suite have included a kitchenette. But usually there wouldn't be a fully supported kitchen and laundry suite with a two-stall garage. Also, with the floorplan it was interpreted as a two-family design.

- vi. Questions for Getty:
 - a. Campbell - He replied that he didn't have a question but rather a comment. He had looked through the entire zoning ordinance to see if there was any indication that this design wasn't a two-family design and couldn't find any. He also didn't see any language that defines an 'in-law suite.' He suggested that the Planning Commission look at revisiting the ordinance to clarify/include information to address this type of addition. Also, there was some information which addresses 'keyholing' in General Provisions 21.33, first paragraph. However, there is nothing in this addition that is in the spirit of that. VerHey asked Campbell to explain keyholing further for those who weren't familiar with the term. Campbell explained funneling is another term, but it is used in regard to lakefront or river front property with a small footprint with deeded access due to a small outbuilding. For example, on Duncan Lake some properties that aren't on the lake but might have deeded access.
 - b. Gasper – Appreciates the thoroughness of the Schrotenboers, but it's the task of the ZBA to look at the ordinances and base their decision on the findings of fact. However, Gasper struggled to find anything within the ordinance that would help them determine if it meets the requirements of a two-family home.
 - c. VerHey – Are the two areas more or less the same size? Answer, about 60/40. VerHey reiterated that Getty sometimes sees an in-law suite that has a much smaller ratio. Is there a barrier between the two areas? Answer, not with the revised floorplan with a common

- foyer. VerHey: In 20 years, would it be difficult to alter it to create a barrier? Answer, while I'm not a builder, it would be possible to add a door and then the addition would be completely self-sufficient. Getty also stated that is a second laundry? Getty asked Pasma if there was a second furnace? Answer, yes there would be.
- d. Stolsonburg – Is there just one master bedroom and an office?
Answer, yes. Is there is one and yes, the office has a storage closet. Stolsonburg, is the health department aware of this because it could be used as a second bedroom and would the septic system be able to handle that? Answer, yes in the future it could be used as such. The health department is aware.
 - e. Wenger – Appreciates and supports that the Schrottenboer's are trying to do. However, their job is to try and interpret the rules and apply them fairly as best they can. The footprint looks like it's laid out for two families so that's where the struggle is with what they want to do.
- vii. VerHey – Public Comments:
- a. Letter from Dan & Kate Teske (7222 Bouman Dr.) in support of Basma addition read by Gasper.
 - b. Letter from Larry & Sandra McAlary (7125 Bouman Dr.) against Basma addition read by Gasper.
 - c. Board reviewed 'petition type document' with 18 signatures of neighbors.
 - d. Public Hearing – OPENED at 7:45 pm
 - i. Jay Fluegez (7090 Bouman Dr.) - Appreciates their thoroughness, but the design is set up as a two-family design and it would be very easy for the next occupant to rent out. Asked Pasma what their plans were after the Schrottenboer's had passed on? Pasma, likely one of their kids would move in and they would be the in-laws, but do not plan to rent as the area would have to be rezoned to even allow for that.
 - ii. Shari Fluegez (7090 Bouman Dr.) – Used a comparison of motel vs hotel to explain the difference between a single family and a two-family design. Believes this design is a two-family design. Is concerned that the next owners will want to use it as a two-family dwelling. Thinks it will impact the resale value. If this is passed, then others

would want to do the same and how would it be classified?

- iii. Leo Alberts (7136 Bouman Dr.) – Lives across the street from the Schrottenboers and did sign the petition type document but it had been explained that the design will be revised with one entrance. Now though he sees the second entrance will still be in the garage. Wonders if that classifies as a second entrance still? Also, to make it a single-family dwelling what do they have to do? Would they need to remove the second garage and add a stall to the existing garage? Neighbors want to keep it a single-family dwelling. What if someone wants to buy the property and rent out both sides after making modifications? Would it need to go to the zoning board for approval? He feels he needs information from the board to say whether he is in support or not. Getty explained there is no approval or inspection when property changes hand. There is no tracking of renting of homes. Alberts also mentioned the property on Whitneyville Rd. that is zoned agriculture, but it is unclear what is occurring at the property. This is why he is asking about the future of the home the Schrottenboer's currently live in. He feels he needs assurances regarding the future of the property. VerHey explained that the board isn't able to give any assurance as to the future of the property.
- iv. Karen Misichke (7285 Bouman Dr.) – Appreciates the sentiment of the Pasma's and Schrottenboer's taking care of each other and living as one family. She feels she is in the exact position as the Schrottenboer's. However, feels the design is done in too big a scale. Her parents live in her home, but they all live in a single-family design which is large enough to suit them. She also has concerns about the future of the home should the design be approved. Feels it would be too easy for it to become fully a two-family dwelling.
- v. Richard Schrottenboer – Believes that in the future it would be apparent that it was being rented out and the zoning enforcement officer could then address that. Believes the

difference in size is significant. Feels the kitchen and overall addition is significantly smaller. Also, the third stall addition to the current garage is not an option due to the location of the drainage field.

e. Public Comment: CLOSES at 8:05 pm

8. ZBA Member Comments: VerHey – ZBA members’ view for the record: Can express approval, denial or a conditional approval outlining changes needed.
- A. Campbell - Design is for a two-family design and zoning ordinance doesn’t allow for it. Also, of consideration is that there is no public sewer system and the current septic does have limitations. Feels the Planning Commission should revisit the ordinances to clarify the parameters of an in-law suite better.
 - B. Gasper – Concur with Campbell regarding the ordinance needing to be reviewed. Stated she does support in-law suites, however, the ZBA has to rule in accordance with the current ordinance and the design is a two-family dwelling because of the lack of common elements and size of the addition.
 - C. Stolsonburg – Stated he had nothing further to add and is in agreement with the planning and Zoning administrator’s assessment of the design.
 - D. Wenger – Recognizes that homes in the rural setting of the township has a lot of differences. For example, some properties have a six-stall garage/ pole barn, man cave or room for motorhomes or boats which is a lot more than what the Schrotenboar’s are asking for. Wenger stated he does agree with the in-law suite concept, but the design is a two-family dwelling and can’t be approved under the ordinance. However, feels there is still a way for them to live together. Other situations may have been grandfathered in but can’t agree to this design.
 - E. VerHey – Stated his comments are in line with the rest of the board. While the ordinance places no limit on the size of the family or that it’s multigenerational, the design does have two distinct living area with two kitchens, two laundries, two garages and so he feels he must uphold the denial.
 - F. Gasper – Stated that the members don’t need to offer a remedy. However, the Schrotenboers may come back to the administrator with a re-design and ask for approval. Therefore, **MOTION** by Gasper, **SUPPORT** by Stolsonburg to affirm in whole the administrative decision to deny Zoning Permit # 2020-70, based on the below findings of fact:

Ordinance Section V. RR Rural Residential Zoning District:

Two family dwellings are not permitted by right of special use in the RR district

Ordinance Section XXX11. 32.2.46 Dwelling:

1. DESIGN of the addition is to serve two families;

2. We find that the interior design is to serve two families

Ordinance 32.3.55b) FAMILY definition: A group of persons cooking and living together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and which represents a single, non-profit housekeeping unit intended to endure for the indefinite future. The design creates two distinct living areas that sustains two families.

G. **MOTION** by VerHey, **SUPPORT** by Gasper to amend the **MOTION** by Gasper by adding the additional sentence at the end of the fact finding to state, *“Specifically, two garages, two separate laundry areas and two separate kitchen areas.”*

H. **ROLL CALL VOTE** (on amendment to motion): Campbell, yes; Gasper, yes; VerHey, yes; Stolsonburg, yes; Wenger, yes. **MOTION CARRIED, 5 yes and 0 no.**

I. **ROLL CALL VOTE** (on amended motion): Campbell, yes; Gasper, yes; VerHey, yes; Stolsonburg, yes; Wenger, yes. **MOTION CARRIED, 5 yes and 0 no.**

9. Adjournment: **MOTION** by Stolsonburg, **SUPPORT** by Campbell to adjourn the meeting at 8:22 p.m. **MOTION CARRIED** with 5 yes voice votes.

Curt Campbell, Secretary

Amy Brown, Recording Secretary

Approved _____