

LEIGHTON TOWNSHIP
Zoning Board of Appeals

Minutes

**Thursday March 3, 2022
7:00 PM**

1. The meeting was Called to Order at 7:00 pm by Chairman Schrottenboer

**2. Attendance -- Present --Schrottenboer, Roodvoets, Gould, Shoemaker, Alderink
Absent -- Skinner**

Chairman Schrottenboer noted that the PCI Official had not yet arrived. The meeting was suspended.

3. Attendance Update

The PCI Official will not be able to attend in person but will be available to consult via speakerphone.
Meeting resumed.

4. Approval of Agenda

Motion by Shoemaker and support by Roodvoets to approve the Agenda -- unanimously approved.

5. Approval of Minutes --December 16, 2021

Correct spelling of "Roodvoets" was noted.
Motion by Alderink and supported by Roodvoets to approve the Minutes as corrected. Approved unanimously.

6. Public Comments for items not on the Agenda (none)

7. Inquiry of Conflict of Interest (no conflicts of interest among Board members)

8. Variance Request: Jim Van Vliet 0313-420-003-00

Secretary Gould read the official Notice.

Applicant's Presentation. Cory Wyma, representing Jim Van Vliet, presented the request for relief from Section 7B .05(b) of the Leighton Township Zoning Ordinance. The Applicant wishes to construct a new single-family dwelling within the required side yard (Ordinance requires side yards of 20 feet combined and no less than 7 feet on either side).

Public Hearing -- Opened at 7:20 pm. Comments limited to 5 minutes per person is requested.

Perrin Rynders, 405 N Lake Drive. He's not opposed to a new structure being built but would like to have the setback requirements clarified. He would also like to know what criteria the ZBA uses to evaluate the variance request. Chairman Schrottenboer read the list of five criteria used to evaluate variance requests.

Sheryl Van Solkema, 421 N Lake Drive. She asked if the variance would allow encroachment on the setback from the lake. Chairman Schrottenboer replied that the applicant is not requesting the structure be closer to the lake.

Brandon Kreig, 410 N Lake Drive. Asks to please clarify the hardship to the Applicant that Ordinance compliance would cause. Chairman Schrotenboer replied that we would address that during the Board discussion period.

Tom Roels, 577 145 Avenue. It is clear to him that a smaller house is the answer to side yard noncompliance.

Roscoe Johnson, 427 N Lake Drive. He is opposed to allowing a variance which would make an exception to the "seven foot rule." He noted the present structure appears to be built on the lot line, with a side yard of zero feet. (He feels the alley should not be considered as part of the applicant's side yard.) Mr. Johnson also feels that water runoff from a new structure will cause hardship on neighboring parcels. He is concerned about the lack of drainage receptacles.

Public Hearing closed at 8:17 pm.

Board Discussion:

Board members considered details of the Memorandum prepared by PCI.

Section 26.09 -- ZBA Findings of Fact concerning Criteria for Variance Approval

Criteria for variance approval:

- (a) That the enforcement of the literal requirements of this Ordinance would cause practical difficulties.

This use DOES NOT comply with this standard. The Board referred to Findings by PCI that Applicant's parcel is a Tier A size (75 feet or more in lot width) which is larger than most neighboring parcels. This parcel would allow for a structure in excess of 55 feet in width and still comply with the required side yards.

- (b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

This use DOES comply with this standard. The existence of the Alley was noted, but it probably is not relevant to Applicant's request.

- (c) That the literal interpretation of a provision of this Ordinance would deprive the Applicant of property rights commonly enjoyed by other properties in the same zoning district.

This use DOES NOT comply with this standard. The Ordinance allows a legal building envelope on said parcel of approximately 3,400 square feet. Applicant is proposing a structure with a footprint of 3,074 square feet, INCLUDING porches, safely within the limits of the legal building envelope. The Applicant has provided NO EVIDENCE that there are other factors (topographical, well, septic, etc.) which create unique burdens upon the property.

- (d) That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures, or buildings, and will not be contrary to the spirit and purpose of this Ordinance.

This use DOES comply with this standard because the requested variance would not create any impact that does not already exist as a result of the current dwelling.

- (e) That the special circumstances or conditions referred to in subsection (b) do not result from the actions of the Applicant.

This use DOES comply with this standard. The existence of the unimproved Alley has no effect on the fact that the parcel itself meets the Lot Width Tier A criteria, granting it a sizeable building envelope.

Findings by the Board:

Moved by Shoemaker with support by Gould that the application DOES NOT meet criteria (a).
Motion approved unanimously.

Moved by Alderink with support by Shoemaker that the application DOES meet criteria (b).
Motion approved unanimously.

Moved by Shoemaker with support by Gould that the application DOES NOT meet criteria (c).
Motion approved unanimously.

Moved by Shoemaker with support by Roodvoets that the application DOES meet criteria (d).
Motion approved unanimously.

Moved by Roodvoets with support by Alderink that the application DOES meet criteria (e).
Motion approved unanimously.

The Board finds three (3) standards HAVE BEEN met and two (2) standards HAVE NOT BEEN met.

Chairman Schrotenboer: The Applicant's request is DENIED.

9. New Business --

a. Election of Officers

The following were elected unanimously to serve in 2022:

President: Jon Roodvoets

Vice President: Steve Shoemaker

Secretary: David Gould

b. 2021 Board of Appeals Index was received and approved as printed.

10. Public Comments (none)

11. Adjournment

Moved by Shoemaker with support by Roodvoets to adjourn. Motion carried unanimously.
Meeting adjourned at 9:25 pm.