

ALLENDALE CHARTER TOWNSHIP ZONING BOARD OF APPEALS

Date: Thursday, May 07, 2015

Time: 7:30 p.m.

Place: Allendale Township Offices

Members Present: R. Chapin, C. Hilton, F. Hilliker, T. Kronlein, J. Thurkettle

Members Absent: J. Jacquot, B. Sinnott

Staff Present: K. Scharphorn, Jr. Zoning Administrator

Guests Present: Tim Johnson, Randy Kraker, Steve Witte, Harley Sietsema, Greg DeJong, Jean Constantine, Beth Worst, John Worst, Rick Westerberg, Randy Koetje, Glen Turrick, Todd Hendricks, Adam Tucker, John Boonstra, Megan Hall, Glen Noza

Recording Secretary G. Sietsema

1. Meeting called to order by the Chairman at 7:30 p.m.
2. There were no public comments concerning items not on the agenda.
3. **Motion** to approve the December 4, 2014, minutes as presented was made by F. Hilliker and supported by J. Thurkettle.

Motion carried 5:0

4. **Motion** to keep the same officers as last year was made by T. Kronlein and supported by F. Hilliker. The officers for the Zoning Board of Appeals for 2015 are: Chairman – R. Chapin; Vice-Chair – J. Jacquot; and Vice-Secretary – T. Kronlein.

Motion carried 5:0

G. Sietsema will remain as the Recording Secretary

5. Public Hearing A

A request from Randy Koetje was made for a variance at 9858 – 56th Avenue, also known as permanent parcel 70-09-36-300-052. The applicant proposed to construct a 54'x72' accessory building that is more than three hundred (300) feet from the road right of way, but not setback at least two thirds (2/3) of the distance

between the road right of way and the principal building. The Variance would grant relief on Section 3.11 B 1 (d).

The public hearing was opened at 7:35 p.m. and R. Koetje presented his case to the Board.

The public hearing was closed at 7:38 p.m.

K. Scharphorn, Jr. presented an explanation of the request stating that R. Koetje was asking for a variance of 194 feet.

After discussion, the ZBA members voted on each condition of Section 28.04.

Condition A – Yes 2: No 3

Condition B – Yes 4: No 1

Condition C – Yes 2: No 3

Condition D – Yes 0: No 5

Condition E – Yes 3: No 2

A **Motion** was then made by J. Thurkettle and supported by F. Hilliker to deny the variance request of R. Koetje.

Motion carried: 4:1

Based on not meeting variance requirements, the variance was denied.

5. **Public Hearing B**

A request from Zimmer Development Company was heard for three variances from the Allendale Township Zoning Ordinance. The property is located at the northeast corner of 52nd Avenue and Pierce Street and is identified as permanent parcel numbers 70-09-25-400-048 and 70-09-25-400-005. The applicant is requesting the following variances in order to construct a multi-family development on this property.

1. Variance from Sections 10.05(A) and Section 23.06(I) that requires a front yard setback of 50 ft. (and also side yard setback along West Campus Drive if applicable). Zimmer Development is proposing a 4 ft. building setback off West Campus Drive extended.
2. Variance from Section 21.06B which requires 1 parking space per bed, plus 10%. Zimmer Development is proposing a parking ration of 1 space per 1 bed.
3. Variance from Section 23.06(A) which requires 35% of the lot area as open space (excluding setbacks). Zimmer is proposing to use the setbacks as part of the 35% open space requirements.

The public hearing opened at 7:55 p.m.

S. Witte from Zimmer Development explained the plan for developing the property.

Public hearing closed at 8:05 p.m.

T. Johnson, Planning Consultant, explained to the Board the variances requested by Zimmer Development.

Public comments were opened at 8:18 p.m. The following guests spoke: S. Witte, H. Sietsema, A. Tucker, J. Wurst, G. Turrick, R. Kraker, J. Constantine.

A letter from Jeff and Cathy Seaver was also distributed as public comment.

Public comments closed at 9:10 p.m.

Because F. Hilliker has membership on both the ZBA and the Planning Commission and therefore had a conflict of interests, the Chair stated he is not allowed to vote on any motion regarding the variances.

Discussion of the project followed.

A **Motion** was made by J. Thurkettle and supported by F. Hilliker to vote tonight regarding the variances presented to the board unless the developer can propose to change the information substantially. The applicant was asked if this is possible.

A. Tucker said they will try to modify the plans or will withdraw their requests.

The **Motion** was changed by J. Thurkettle and supported by C. Hilton to table the vote pending further changes and requests including lesser variances from Zimmer Development.

Motion carried 5:0

6. There was no New Business.
7. There was no Old Business.
8. There were no public concerns or comments concerning items not on the agenda.
9. There being no other business before the Board, the meeting was adjourned at 9:40 p.m.

Next scheduled meeting is Thursday, June 4, 2015, at 7:30 p.m.

Respectfully submitted,
G. Sietsema, Recording Secretary

ALLENDALE CHARTER TOWNSHIP ZONING BOARD OF APPEALS

Date: September 3, 2015

Time: 7:30 p.m.

Place: Allendale Township Offices

Members Present: R. Chapin, F. Hilliker, C. Hilton, J. Jacquot, T. Kronlein, J. Thurkettle

Members Absent: None

New ZBA member present: Eric Westerling

Staff Present: R. Bultje, T. Johnson, and K. Scharphorn, Jr.

Guests Present: Adam Tucker, John Boonstra, Greg DeJong, Harley Sietsema, Steve Witte, James Bruinsma, Randy Kraker, John Worst, and Glenn Turek

Recording Secretary G. Sietsema

1. Meeting called to order by the Chairman at 7:30 p.m.
2. **Motion** to approve the May 7, 2015, minutes as presented was made by T. Kronlein and supported by C. Hilton.

Motion carried 6:0

3. Reports: T. Johnson corrected two items in his report
4. As the Board tabled the pending vote of May 7 due to the possibility of modifying the plans, a **Motion** was made by C. Hilton and supported by J. Jacquot to put the request back on the floor with amendments to the original variance requests.

Motion carried 6:0

A request from Zimmer Development Company for two variances from the Allendale Township Zoning Ordinance was brought to the floor. The property is located at the northeast corner of 52nd Avenue and Pierce Street and is identified as permanent parcel numbers 70-09-25-400-048 and 70-09-25-400-005. The applicant is requesting a variance in order to construct a multi-family development on this property.

- a.) A variance from Section 10.05 and Section 23.06I. that requires a front yard landscaped setback of 40 feet and 50 feet respectively from all existing or proposed public streets or private roads.
- b.) A variance from Sections 23.06.La.1. and 23.06.I.b(1) that require a landscaped front yard setback of 100 feet if the multi-family dwelling development is across the street from an R-1 zoned parcel and a 100 feet setback where the side yard abuts an R-1 zoned parcel.

The public hearing was opened at 7:55 p.m.

J. Bruinsma represented Zimmer; S. Witte represented Zimmer and explained the plan; R. Kraker represented the Village at 48 West LLC, and G. Turek represented Meadows Crossing. J. Worst spoke as a property owner.

The public hearing was closed at 8:10 p.m.

Discussion by the Board followed; it was decided to vote on Variance A and Variance B separately using Section 28.04 as standards for approval of variances. In authorizing a variance, the Zoning Board of Appeals must find beyond reasonable doubt that owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of the Zoning Ordinance would cause practical difficulty, and must find that all of the following conditions exist:

Variance A:

- a. That compliance with the strict letter of the restriction governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

A roll call vote was taken on a:

Yes 0; No 6

Reasoning: The property can still be developed. An alternative design would allow for the setbacks required.

- b. That the granting of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

A roll call vote was taken on b:

Yes 3; No 3

Reasoning: Other property owners had to comply with similar setbacks. Approval of the requested setback variance for this property would not be

consistent with the adjacent multiple family development that is not with a PUD.

- c. That the plight of the landowner is due to the unique circumstances of the property.

A roll call vote was taken on c:

Yes 3; No 3

Reasoning: Owner knew about the setbacks. There is nothing narrow about 59 acres. Zoning was known well in advance.

- d. That the problem is not self-created, nor created by the applicant's predecessor in interest.

A roll call vote was taken on d:

Yes 0; No 6

Reasoning: It is a self-created problem.

- e. That granting the variance will insure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

A roll call vote was taken on e:

Yes 0; No 6

Reasoning: Based on all the reasons given above.

Motion to deny Variance a based on finding various factors reviewed was made by J. Jacquot and supported by T. Kronlein.

Motion carried: Yes 6 – No 0

Variance B:

S. Witte appealed to change the variance request to a lesser amount on Sections A (60 ft.) Section B (50 ft.), and Section C (50 ft.).

As the Board has previously voted on a lesser amount for a variance, the Chair agreed to amend the variance request as stated.

In authorizing a variance, the Zoning Board of Appeals must find beyond reasonable doubt that owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of the Zoning Ordinance would cause practical difficulty, and must find that all of the following conditions exist:

- a. That compliance with the strict letter of the restriction governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

A roll call vote was taken on a:

Yes 3; No 3

Reasoning: A permitted purpose is still the intent of the property.

- b. That the granting of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

A roll call vote was taken on b:

Yes 4; No 2

Reasoning: Yes vote due to circumstances of R-1; gives absolute justice to applicant
No vote due to referendum vote which was known well in advance; setback can still be met and the property could be rezoned.

- c. That the plight of the landowner is due to the unique circumstances of the property.

A roll call vote was taken on c:

Yes 3; No 3

Reasoning: Yes vote due to circumstances of R-1; absolute justice to applicant
No vote because setback can still be met.

- d. That the problem is not self-created, nor created by the applicant's predecessor in interest.

A roll call vote was taken on d:

Yes 1; No 5

Reasoning: No because it was self-created; applicant had prior knowledge of zoning of adjacent property.

- e. That granting the variance will insure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

A roll call vote was taken on e:

Yes 0; No 6

Reasoning: Based on all the reasons given above.

Motion to deny Variance B based on finding various factors reviewed was made by C. Hilton and supported by T. Kronlein.

Motion carried: Yes 6 – No 0

5. There was no New Business.
6. There was no Old Business.
7. There were no public concerns or comments concerning items not on the agenda.
8. There being no other business before the Board, the meeting was adjourned at 9:10 p.m.

Respectfully submitted by G. Sietsema, Recording Secretary

ALLENDALE CHARTER TOWNSHIP ZONING BOARD OF APPEALS

Date: November 5, 2015
Time: 7:30 p.m.
Place: Allendale Township Offices
Members Present: C. Hilton, J. Jacquot, T. Kronlein, R. Nadda, E. Westerling
Members Absent: R. Chapin, F. Hilliker, J. Thurkettle
Staff Present: J. Alkema, Supervisor
Guests Present: None

Recording Secretary G. Sietsema

1. Meeting was called to order by Vice-Chairman J. Jacquot at 7:30 p.m.
2. There were no public comments.
3. Approval of the Sept. 3, 2015 meeting minutes
An email from R. Bultje to J. Alkema was discussed. The Board decided to record a short sentence summarizing the comments of each guest who speaks at a ZBA meeting.

The Board decided to retain the votes as reported in the minutes.

Motion to approve the September 3 minutes as presented was made by E. Westerling and supported by C. Hilton.

Motion carried 5:0

4. J. Jacquot welcomed R. Nadda as an alternate member to the Zoning Board of Appeals; R. Nadda gave a brief summary of his background.
5. There were no public concerns or comments concerning items not on the Agenda.
6. There being no other business before the Board, the meeting was adjourned at 7:42 p.m.

Respectfully submitted by
G. Sietsema, Recording Secretary