

# Jamestown Charter Township

Zoning Board of Appeals

March 7, 2017

The meeting was called to order at 6:00 p.m. by Chairman Terpstra with Ymker opening with prayer.

Board members present: Zomerlei, Ymker, Terpstra, Van Haitsma.

Present other than Board: Kirk Sharphorn, Jr., Zoning Administrator. List Attached.

Motion by Van Haitsma to approve agenda, supported by Ymker. Carried

Motion by Zomerlei to approve minutes of 2-7-17, supported by Van Haitsma. Carried.

Public comment: Gary Westhouse 3547 Greenly – what is the status of the substation by our house. Sharphorn – it has administrative approval because it's for essential services. The location will have less impact on property for adjoining properties.

The hearing was called to order for Stephanie Vander Moore 3450 24<sup>th</sup> Ave. for a variance to reduce the side yard setback to twelve and a half [12 ½] feet on each side for a total of twenty-five [25] feet instead of the required fifteen [15] feet on one side and thirty-five [35] feet total. Parcel #70-18-10-300-013.

Vander Moore – I'm asking for a side yard variance to build a little wider house.

Sharphorn – it will be a ranch style house, in order not to build front to back...they want it parallel to the road. It's zoned R1 and will have a garage and porch. It's a one acre parcel and they want 12 ½ feet instead of 15 on each side. I advised them it would probably be best to apply for a variance instead of rezoning to R2. The lot is non-conforming by width.

Vander Moore owns the property. Plan to keep the house towards the front of the parcel.

Matt Olson 3390 24<sup>th</sup> Ave. – I'm south of the property. My concern is that all the bedrooms and bath are on the north side facing my house. Concerned how far back they are putting the house.

Terpstra – it will be almost behind your house...50 feet back from the road.

Todd Katsma 3431 24<sup>th</sup> Ave. – the property came from Van Rhee. They sold off that farm. It is not a buildable lot. Doesn't meet the setbacks. Don't know who told you it was buildable. Always been part of the farm. It was created by family differences.

Sharphorn – it is a lot, it is a taxable property and legally created.

Katsma – farm land is different than buildable land. It wasn't residential back in the day.

Sharphorn – the lot has been in existence for quite a while. It is non-conforming, but still buildable.

Katsma – But this is today...not then.

Terpstra closed the public hearing.

Ymker – I'm understanding it was taxed in the past, it's non-conforming, but buildable and doesn't meet today's standards and is allowed by right.

Terpstra – they could build on the lot without a variance...east to west instead of north to south.

Terpstra – we must meet the five criteria.

Motion by Van Haitsma to approve the side yard variance request, seconded by Zomerlei for the following reasons:

- 1] Strict enforcement of provisions of ordinance would cause unnecessary hardship
- 2] Conditions not created by property owner
- 3] Not granting special privilege

Motion carried unanimously.

NOTE: Kent Quality Foods was notified of outstanding publishing bill that needed to be paid before the hearing could take place. Provisions were made by Sharphorn and KQF for bill to be paid in the next few days.

Kent Quality Foods requests a variance on the building height asking to increase the maximum height to forty [40] feet instead of the required thirty-five [35]. Parcel #70-18-08-200-031.

Jon Frego 9359 Perry St representing KQF – We are looking to build a new facility on Quincy St. The freezer is 32 feet tall and takes up to 1/10<sup>th</sup> of the facility. The 40 foot height will provide the freezer, which has a racking system, needed clearance around the top. Racks are loaded with fork lifts. The second phase will encompass additional freezer space. If smaller, it would take away from the second phase.

Terpstra – could you go down? Frego – it would not be good for future capacity.

Sharphorn – comparing areas around us, we are at 35 feet which was probably set up by the fire department in the past. Other municipalities are at 45 up to maybe 60 feet. We have fire equipment now to handle the extra height with ladder trucks. Thirty-five feet is what we allow for a house. I have talked to our planner about this, but would recommend at least 40-45 feet.

Will DeKraker 3435 Greenly – I have property to the south. They filled in the whole ravine and now it's higher than it was...at least 10 feet. Wondered why.

Sharphorn – drainage plans indicate dimensions so your property will not get runoff.

It was established that this ravine is on Royal Technology property.

Jane Westhouse 3547 Greenly – curious about the lighting. Some of the businesses have good light pointing down and not out.

Sharphorn – light will be maintained on their property. It's part of the ordinance requirements and will go through the Planning Commission.

Hearing was closed by Terpstra.

Need to adapt to building heights.

Motion by Van Haitsma to approve the 40 foot height variance, supported by Ymker for the following reasons:

- 1] Would cause unnecessary hardship
- 2] Satisfies spirit of ordinance
- 3] The business is unique with regard to freezer section

Motion carried unanimously.

Motion by Zomerlei to adjourn supported by Ymker. Carried.

Meeting adjourned at 6:43 p.m..

Respectfully submitted,



Bonnie Oosterink, Sec.  
Zoning Board of Appeals

Minutes approved on \_\_\_\_\_ by \_\_\_\_\_  
Chair