

Jamestown Charter Township
Zoning Board of Appeals
September 12, 2017

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

Board members present: Zomerlei, Van Haitsma, Brouwer, Van Heuvelen, Terpstra.

Present other than board: Kirk Sharphorn, Jr., Zoning Administrator. List attached.

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

Motion by Van Haitsma to approve minutes of July 11, 2017, supported by Brouwer. Carried.

A request was received from Todd and Lisa Dornbush 636 28th Ave. for a variance to construct an accessory building that will contain horses – twenty-five feet (25) from a side property line instead of the required seventy-five (75) feet. Parcel # 70-18-33-100-019.

Dornbush – I want to build a 48 by 56 foot pole barn for my horses. The best location is off the east property line adjacent to Parcel # 70-18-33-100-018 for the flow of water and not too much fill needed at that spot.

Terpstra – what is wrong with the back of the property?

Dornbush – That will be horse pasture and storage area for trailers and other things. It would also put the barn back from the house and I want to be able to see the barn.

Sharphorn – they applied for a special use for a building in front of the house. It would have gone to the Planning Commission this month, but because of a merger with the Advance, the notice was not published in the paper. It will be held in October.

Sharphorn – the normal setback is 10 feet from the side line, with animals – 75 feet. So, this ends up being a 50 foot variance.

Terpstra – we cannot take into account economical saving for you for being closer to the house.

Dornbush – the water flows to the middle of the back property from all sides. I want to keep the front of the property for an arena and pasture, so I don't want the building there.

Neighbors all have horses.

Hearing was closed.

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Motion by Van Haitsma to grant the variance request of 25 feet provided it is approved by the P.C. for the special use permit, and also to amend request to include the north property line.

Seconded by Zomerlei for the following reasons:

- 1] Strict enforcement of the ordinance would result in an unnecessary hardship
- 2] There are conditions and circumstances unique to the property
- 3] Unique conditions and circumstances were not created by the owner
- 4] Variance will not grant special privileges denied other properties
- 5] Will not be contrary to the spirit and intent of the ordinance

Motion carried unanimously.

A request was received from Rapidtek Industries of 3825 Central Parkway for a variance to allow a front yard setback of sixty-seven (67) feet instead of the required seventy-five (75) feet. Parcel #70-18-08-230-004.

Steve Witte representing Rapidtek – Rapidtek will be renting a portion of the 52,720 square building. This will be Lot 6 and property west of Lot 6. In the future, Central Parkway could be extended. Right now this would be a side yard, but if the road is extended it would become a front yard. We would be eight (8) feet short. There is a 66 foot private easement put in by the Road Commission. We need the depth of the building to utilize the area. The building is narrower than desired and the loading area to the north is as narrow as practical and cannot be moved to the north due to grading. The road will probably go straight south towards the Royal Properties. Jamestown's Planner has said that this is a road, not ingress/egress, so we were sent to the ZBA for a variance.

Sharphorn – the ZBA could give an interpretation, not a variance.

Witte – I would rather have a variance for future records. We would like to start building in October...next month.

Hearing was closed.

Motion by Zomerlei to grant the variance request of 8 foot for the south property in case a road would be put in, supported by Brouwer for the following reasons:

- 1] Strict enforcement of the ordinance would result in unnecessary hardship
- 2] Conditions and circumstances are unique to the property
- 3] Conditions and circumstances were not created by the owners
- 4] Requested variance will not grant special privileges denied other properties
- 5] Not contrary to spirit and intent of the ordinance

Motion carried unanimously.

Addition to ZBA application was discussed listing the five criteria that have to be met for approval. This will inform the applicant up front what is required and the obligations which the Board has to meet.

Motion by Brouwer to adjourn, supported by Van Haitsma. Carried.

Meeting adjourned at 6:57 p.m..

Respectfully submitted,



Bonnie Oosterink, Recording Sec.
Zoning Board of Appeals

Minutes approved on _____ by _____
Chairman