

**JAMESTOWN CHARTER TOWNSHIP**

**Zoning Board of Appeals**

Meeting Minutes

December 07, 2021 at 6:00 p.m.

**CALL TO ORDER:** Chairperson Zomerlei called the meeting to order at 6:01 p.m.

**BOARD MEMBERS PRESENT:** Scott Brouwer, Janae Byker, Mike VanAanhold, Chris VandenHeuvel and Randy Zomerlei. Also present was Township Zoning Administrator Kirk Scharphorn.

**INVOCATION:** Board member Brouwer opened with the invocation.

**APPROVAL OF AGENDA:** A motion was made by VandenHeuvel, supported by Byker, to approve the agenda. Motion carried unanimously.

**APPROVAL OF MINUTES:** A motion was made by VandenHeuvel, supported by Brouwer, to approve the minutes of the March 02, 2021 Zoning Board of Appeals meeting. Motion carried unanimously.

**PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:** None.

**PUBLIC HEARING:**

Chairperson Zomerlei read the request from Matt Baer, located at 1294 Riley St., also known as permanent parcel 70-18-14-100-036, for a variance to allow a 30' x 36' detached accessory building in front of the dwelling on a parcel that is under two (2) acres in land area in the AR (Agricultural Rural Residential) zoning district. This variance would provide relief from Section 3.2M(3) of the Jamestown Charter Township Zoning Ordinance. The parcel is 1.62 acres in land area. Chairperson Zomerlei stated that the consideration is for .38 acres as the applicant's parcel does not have the two acres required in order to construct an accessory building in front of a dwelling in the AR zoning district.

**A motion was made by Brouwer, supported by VandenHeuvel, to open the Public Hearing at 6:03 p.m.** Motion carried unanimously.

Matt Baer was present to provide information regarding his request for a variance. He stated that he purchased the property in 2015, and due to the existing slopes on his property and the location of the septic system and well next to the house, the best and most level spot available for the barn is in front of the house at an angle, following the tree line.

There were no public comments.

**A motion was made by Byker, supported by VanAanhold, to close the Public Hearing at 6:06 p.m.** Motion carried unanimously.

VandenHeuvel asked for more information regarding the location of the septic system and well and the slopes where the barn would be located. Baer answered that the septic system and well are next to the house, and that the barn would be angled to follow the tree line and avoid the slope.

Chairperson Zomerlei stated that the variance is for the size of the lot, and that the applicant did not create the problem. It was also noted that a lot should not have been created, and a house should not have been allowed on a lot of less than two acres in the AR zoning district. Zoning Administrator Scharphorn noted that while the ordinance doesn't allow road right-of-way to be included as part of a parcel's size, it was possible that it was included in error when this parcel was created.

Byker inquired if the applicant had tried to acquire the needed acreage from adjacent property owners, and Baer replied that he had attempted to purchase additional acreage, but adjacent property owners were not willing to sell any land to him.

VandenHeuvel expressed a concern that standard number three may not be met as it appears the condition of the property was created by the owner's predecessor. Scharphorn noted that the parcel was approved by the township, and that the applicant cannot apply to the Planning Commission for a special use permit for an accessory building in front of the house as the property doesn't meet the minimum two-acre ordinance requirement.

VandenHeuvel commented that acquiring more land to achieve the two-acre requirement would not change where the building would be located due to the existing conditions of the property.

**A motion was made** by VandenHeuvel, supported by Brouwer, to approve the variance request for .38 acres for the following reasons so that the applicant can apply to the Planning Commission for a special use permit:

- 1) That strict enforcement of the provisions of the ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners within the same zoning district, as the property does not have the two acres required in the AR zoning district in order to construct a building that complies with the ordinance.
- 2) There are conditions and circumstances unique to the property. The parcel is unique in its smaller size as the minimum parcel size requirement in the AR zoning district is two acres.
- 3) The conditions and circumstances unique to the property were not created by the Owner, and there is no available evidence to indicate that the conditions and circumstances were created by the Owner's predecessor.
- 4) The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.
- 5) The requested variance will not be contrary to the spirit and intent of the Zoning Ordinance in that the intent of the Zoning Ordinance is that parcels in the AR zoning district are a minimum of two acres in size.

Motion carried unanimously.

**NEW BUSINESS:**

- **2021 Election of Officers**

**A motion was made** by VandenHeuvel, supported by Brouwer, to nominate Zomerlei as Chairperson. Motion carried unanimously.

**A motion was made** by Zomerlei, supported by Byker, to nominate VandenHeuvel as Vice-Chairperson. Motion carried unanimously.

**ADJOURN:** A motion was made by Brouwer, supported by VandenHeuvel, to adjourn the meeting at 6:37 p.m. Motion carried unanimously.

Respectfully submitted by,

Maureen Carmody, Recording Secretary  
Zoning Board of Appeals

Minutes approved on

\_\_\_\_\_ by \_\_\_\_\_  
(chair)