

JAMESTOWN CHARTER TOWNSHIP

Zoning Board of Appeals

Meeting Minutes

September 06, 2022 at 6:00 p.m.

CALL TO ORDER: Vice-Chairperson VandenHeuvel called the meeting to order at 6:00 p.m.

BOARD MEMBERS PRESENT: Scott Brouwer, Janae Byker, Mike VanAanhold, Chris VandenHeuvel and alternate member Melissa Beimers. Chairperson Randy Zomerlei resigned from the Zoning Board of Appeals due to health issues.

INVOCATION: Board member Brouwer opened with the invocation.

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

APPROVAL OF MINUTES: A motion was made by Brouwer, supported by VanAanhold, to approve the minutes of the March 01, 2022 Zoning Board of Appeals meeting as written. Motion carried unanimously.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA: None.

PUBLIC HEARING:

Vice-Chairperson VandenHeuvel read the request from Mark Webster of 1851 Lester Lane, also known as permanent parcel 70-18-21-302-005, for a variance to allow a side yard setback that is closer than permitted by ordinance for a third-stall garage addition. This variance would provide for relief from Section 7.4.A.2 of the Jamestown Charter Township Zoning Ordinance-Side Yard Requirements within the R-1 Residential District. Mr. Webster would like to construct a 12' x 31' third-stall garage addition. The proposed placement of the garage addition would be 11.7 feet at its nearest point to the south property line. The addition would be on an angle and therefore the closer the proposed addition gets to the front of the property (the east property line), the more setback area would be present. The property is approximately .64 acres in land area. The ordinance requirement is that there shall be total Side Yards of not less than thirty-five (35) feet; provided, however, that no Side Yard shall be less than fifteen (15) feet. VandenHeuvel listed the five standards that need to be met to grant a variance.

A motion was made by VanAanhold, supported by Byker, to open the Public Hearing at 6:04 p.m. Motion carried unanimously.

Mark Webster listed the reasons they believe support granting their variance request.

- The addition of a third stall will not cause unnecessary hardship or deprive the owner's rights for the neighboring property at 1827 Lester Lane. The neighbors have no problem with the variance request, and there is 63.30 feet from the corner of the cement pad (and proposed structure) to the neighbor's house at 1827 Lester Lane.
- The unique thing about the property is that the foundation was already poured before they bought the house, and the house was built too far forward and to the south on the property. If it had been centered on the property, they would not need a variance. The cement slab was on the drawing approved by the zoning administrator, who told them that the cement slab met the ordinance requirements as a cement slab but does not meet it as part of an enclosed building.
- They bought the house new with the cement slab already in place and did not create the circumstances.
- They do not have knowledge as to whether these special privileges were denied elsewhere.
- Other properties in their subdivision have three-stall garages.

VandenHeuvel clarified for Mr. Webster that condition number one is referring to a hardship created for them as the property owner, not for the neighbors. He asked Mr. Webster to describe the hardship that is placed on themselves. Mr. Webster replied that he owns a construction company, and a variance would allow him to park his work vehicle inside. The third stall is not a hardship but is something they desire. He also stated that the building was already started when they purchased it, and that the back corner of the house on the north side is more than 76 feet from the lot line and the front corner of the house on the north side is more than 66 feet from the lot line.

VanAanhold asked if the cement pad is the same size as the planned footprint for the addition. Mr. Webster replied that the addition would match the footprint of the existing cement slab, which would be removed to put in the required foundation that would be deeper to match the depth of the walkout basement.

There were no members of the public present to offer comment.

A motion was made by Brouwer, supported by VanAanhold, to close the Public Hearing at 6:17 p.m. Motion carried unanimously.

ZBA members discussed the request, especially regarding standard number three which states that the conditions and circumstances unique to the property were not created by the Owner or his predecessor. They determined that the circumstances of the location of the house and the cement slab were created by the builder (the predecessor of the Owner) and that these circumstances, the placement of the house and garage, were not determined by conditions unique to the property itself (standard number two). They also noted that the house currently meets the required setbacks, and that the cement slab may not have been intended as a third stall for the garage. The Board members also considered that the granting of a variance may grant a special privilege that is denied other properties similarly situated in the same zoning district (standard number four), as the entirety of the R-2 Residential Zoning District must be considered, not just their subdivision.

A motion was made by VandenHeuvel, supported by VanAanhold, to deny the request for a variance as it doesn't meet all five standards for the granting of a variance, especially regarding standard number three-that the conditions and circumstances unique to the property were not created by the Owner or his predecessor. Motion carried unanimously.

NEW BUSINESS:

- **Electing new officers for 2022**

A motion was made by Brouwer, supported by Byker, to elect Chris VandenHeuvel as Chairperson and Mike VanAanhold as Vice-Chairperson. Motion carried unanimously.

ADJOURN: A motion was made by VanAanhold, supported by Brouwer, to adjourn the meeting at 6:40 p.m. Motion carried unanimously.

Respectfully submitted by,

Maureen Carmody, Recording Secretary
Zoning Board of Appeals

Minutes approved on

_____ by _____
(chair)