

JAMESTOWN CHARTER TOWNSHIP

Zoning Board of Appeals

Meeting Minutes

October 04, 2022 at 6:00 p.m.

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

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

INVOCATION: Board member Smith opened with the invocation.

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

APPROVAL OF MINUTES: A motion was made by Byker, supported by VanAanhold, to approve the minutes of the September 06, 2022 Zoning Board of Appeals meeting as written. Motion carried unanimously.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA: None.

PUBLIC HEARING:

Chairperson VandenHeuvel read the request from Kurt DeKock, interested party at 1956 8th Avenue, also known as permanent parcel 70-18-24-300-027, for a variance to allow for a parcel with substandard width. This variance would provide relief from Section 6.5.A.4, Lot Width and Area Requirements within the AR Agricultural-Rural Residential District (AR). Vandenheuvel listed the five standards that need to be met to grant a variance.

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

Kurt DeKock was present to provide information regarding his request for a variance from the frontage requirement in the AR Zoning District. The 45-acre flagship parcel is currently owned by his parents and they reside in a home at 1956 8th Avenue. They would like to split the property and build a second residence on a shared drive so that they can care for their parents. They had an engineer do some preliminary work for the construction of a private road, but the zoning ordinance was changed since then to require public water for private roads. They will add additional trees and landscaping to the existing driveway and there will be a shared driveway agreement with funds collected for ongoing maintenance. A Soils and Structures report has shown that the existing drive is adequate to support additional traffic. The flagship lot was created by selling property along 8th Avenue approximately thirty years ago. They do not have the option to repurchase this property.

Vandenheuvel clarified that the applicant is applying for relief from the 200 feet of required road frontage in the AR Zoning District.

ZBA members asked for more information regarding the date the flag lot parcel was created, private driveways and private roads, how many other lots are like this one in the Township, and frontage requirements in the Jamestown Charter Township Zoning Ordinance (JCTZO).

Zoning Administrator Kirk Scharphorn explained that in the AR Zoning District, each parcel is required to have a minimum of 200 feet of road frontage. This currently non-conforming flag lot parcel, which was created before the Land Division Act was enacted 1997, could not have been created under the current JCTZO and would not comply with the Land Division Act requirement of 4:1 depth to width ratio for parcels. The 45-acre parcel has plenty of area with more than 200 feet of width, but only sixty-six feet of width along the road. They could have constructed a private road prior to 2021 when the JCTZO was amended to require public water for private roads, but now they wish to create an

easement for ingress and egress via a shared driveway instead of a private road. Scharphorn also stated there are currently three shared driveway agreements in the Township. He stated that each parcel would have 200 feet of width, just not along the road, and that a shared driveway is limited to two houses within the ordinance.

There were no comments from the members of the public in attendance.

A motion was made by Byker, supported by Brouwer, to close the Public Hearing at 6:24 p.m. Motion carried unanimously.

ZBA members discussed the standards that must be met in order to grant a variance. It was noted that the flag lot parcel and all the current conditions legally existed before the current zoning ordinance was adopted and that the parcel is unique due to its large size. Scharphorn stated there is no record of any other variances granted for this property. ZBA members discussed adding as a condition for approval, that the property be subject to the current ordinance requirement of no more than two houses for a shared driveway.

A motion was made by Byker, supported by VanAanhold, to approve the request for a variance from Section 6.5.A.4 to allow for a parcel with substandard width for the property located at 1956 8th Avenue, parcel number 70-18-24-300-027 for the following reasons and conditions:

- 1) That the 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 in the same zoning district, as the lot was a conforming lot prior to the adoption of new regulations.
- 2) There are conditions and circumstances unique to the property due to the large size of the property.
- 3) That the conditions and circumstances were not created by the Owner or his predecessor in that the flag lot parcel was created by the sale of property along 8th Avenue thirty years ago in accordance with regulations existing at that time.
- 4) That the requested variance will not grant special privileges that are denied other properties in the same zoning district due to the large size of the parcel and its unique shape.
- 5) The requested variance is not contrary to the spirit and intent of the Zoning Ordinance as it results in fewer parcels than would have been allowed with a private road.
- 6) With the condition that the property is subject to the current ordinance requirement of no more than two (2) houses on a shared driveway.

Motion carried unanimously.

NEW BUSINESS: None.

ADJOURN: **A motion was made** by Smith, supported by Brouwer, to adjourn the meeting at 6:55 p.m. Motion carried unanimously.

Respectfully submitted by,

Maureen Carmody, Recording Secretary
Zoning Board of Appeals

Minutes approved on

_____ by _____
(chair)