

JAMESTOWN CHARTER TOWNSHIP

Zoning Board of Appeals

Meeting Minutes

October 29, 2024 at 6:00 p.m.

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

BOARD MEMBERS PRESENT:

Scott Brouwer, Janae Byker, Dean Smith, Mike VanAanhold, Chris VandenHeuvel.

ALSO PRESENT: Township Zoning Administrator Kirk Scharphorn.

INVOCATION: Board member VanAanhold opened with the invocation.

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

APPROVAL OF MINUTES: A motion was made by Smith, supported by Brouwer, to approve the minutes of the January 2, 2024 Zoning Board of Appeals meeting as written. Motion carried unanimously.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA: None.

PUBLIC HEARINGS:

- **Chairperson VandenHeuvel** read the request from GSB Ventures LLC, located at 4182 Royal Court, also known as permanent parcel 70-18-05-300-038 for a variance to not be required to install concrete curb and gutter at the existing pavement edges. This variance would provide relief from Section 15.6E of the Jamestown Township Zoning Ordinance (JCTZO).

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

Jack Barr, from Nederveld, was present on behalf of the applicant to answer questions regarding the request for a variance. There is an existing building on a parcel owned by the applicant that was combined with the adjacent parcel to accommodate a proposed addition to the existing building, which would have straddled the property line between the adjacent parcels. The proposed addition is subject to site plan review, and they are requesting relief from installing concrete curb and gutter at the existing pavement edges. Barr stated that the existing parking lot was constructed approximately ten years ago, and due to the submission of a new site plan for review for the proposed addition on the recently combined parcels, the entire site is now subject to the new ordinance requiring concrete curbing throughout parking lots and paved areas, which includes the existing parking lot on the north side of the building. Barr explained the difficulties of adding concrete curbing to existing paved parking areas.

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

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

Board members deliberated the appeal and discussed the five conditions that must be met for the granting of a variance, especially whether existing conditions on a site should be subject to current ordinance requirements for site plan review for new construction. Potential drainage issues were also discussed, as well as the expense to retrofit the existing parking area with concrete curbing. The applicant stated that there are no current issues with drainage on the property and that cost is not a hardship. They are concerned that they would not be able

to provide a quality product, and that the new curbing and new strip of blacktop next to the existing pavement would not have a good appearance. Smith stated that with generally accepted principles of planning, a new site plan affects the entire property, and anyone else in the same zoning district submitting a new site plan would have to comply with the ordinance.

A motion was made by Byker, supported by Smith, to deny the request for a variance as it doesn't meet all five standards for the granting of a variance, as:

1. The strict enforcement of the provisions of this Ordinance would not cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district, as cost is not an issue, and also as any property in the same zoning district would be subject to the same ordinance requirement for concrete curbing when a new site plan is submitted.
2. There are not conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district, as there are many existing properties that don't meet current ordinance requirements regarding concrete curbing. There are also no conditions of the property that would prevent the construction of the required concrete curbing, such as a ravine or other issues with terrain.
3. The conditions and circumstances unique to the property were created by the owner or his predecessor.
4. The requested variance would 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 this Zoning Ordinance.

Motion carried unanimously.

- **Chairperson VandenHeuvel** read the request from KM Jamestown, LLC, located at 2361 Riley St., also known as permanent parcel 70-18-10-360-037 for a dimensional variance to construct an attached garage seven (7) feet from the side (east) property line instead of the required minimum of fifteen (15) feet. This variance would provide relief from Section 10.4A2 of the JCTZO.

A motion was made by VandenHeuvel, supported by Brouwer, to open the Public Hearing at 6:46 p.m. Motion carried unanimously.

Jeff Matthyse, one of the owners of KM Properties, was present to answer questions regarding the request. KM Properties includes the funeral home and the house which they live in. The house does not have a garage. They originally looked at building a garage on the rear of the property, but that would take parking spaces away from the funeral home. They then looked into constructing a garage and driveway on Riley St., but there would only be room for a one stall garage, and they want it to look nice.

Chairperson VandenHeuvel explained to Matthyse the five standards that must be met to grant a variance from the ordinance. Matthyse stated that he is not sure a hardship exists.

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

A motion was made by VandenHeuvel, supported by Smith, to close the Public Hearing at 6:49 p.m.

Board members deliberated the appeal and discussed the conditions that must be met for the granting of a variance. It was noted that there are existing utilities between the house and the proposed garage, but it was determined they would still need a variance if the utilities were relocated. Potential parking issues for the funeral home if existing parking spaces are eliminated were discussed. Township Zoning Administrator Kirk Scharphorn stated that there would be no room for a detached garage except in the parking lot for the funeral home. He also noted that the house and adjacent properties are located in the Village Commercial Zoning district, and not technically subject to side yard setbacks if the structure is built right up to the property line. This would trigger fire code requirements for building construction, however. Chairperson VandenHeuvel noted that the ordinance allows a garage, but not necessarily any size, and that many older homes have one stall garages. Smith noted that a larger garage could be built behind the house.

A motion was made by VandenHeuvel, supported by VanAanhold, to deny the request for a dimensional variance for the property located at 2361 Riley St., also known as permanent parcel number 70-18-10-360-037, to construct an attached garage seven (7) feet from the side (east) property line, as the request does not meet the first standard, as a hardship doesn't exist in that there are other options available that would not require the granting of a variance.

Motion carried unanimously.

NEW BUSINESS: None.

ADJOURN:

A motion was made by VandenHeuvel, supported by Smith, to adjourn the meeting at 7:13 p.m. Motion carried unanimously.

Respectfully submitted by,

Maureen Carmody, Recording Secretary
Zoning Board of Appeals

Minutes approved on

_____ by _____
(chair)