

**Leighton Township
Zoning Board of Appeals
Minutes**

Date: June 19, 2008

Members Present: Dave Wright, Mary Jane Merren, David Gould, Roger Alderink ,Bob Skinner(Alternate)

Members Absent: John Hooker

Others Present: Bob Jones, (PCI), Shari Harmon, Recording Secretary; and 10 interested persons

Art. 1 Chairman Wright called the meeting to order at 7:30 p.m.

Art .2 Minutes

Minutes of the April 30, 2008 meeting were approved as presented.

Art .3 Public Comments – None

Art. 4 Inquiry of Conflict of Interest –None

Art. 5 VanderLaan Variance Request – Parcel# 0313-240-040-00

Secretary, David Gould read the official Notice as it was published. Relief is being sought from Section 7.04(b) and Section 12.10(b) of the Leighton Township Zoning Ordinance. Said Sections relate to side yard setbacks and lake setbacks.

Keith Miller, RDI, representing the VanderLaan's, presented the plan to the Board. The VanderLaan's are requesting building a new garage, where an existing garage was located. They are requesting the setbacks be 3 ft from the North side and 3 ft from the West side. The old structure was 36x22 ft and the new garage would be 29x28 ft .

Chairman Wright opened the public hearing at 8:04 pm. – No Comments

Public Hearing was closed at 8:06 pm.

Chairman Wright read letters from nearby residents:

Mr. John Burke, 8593 Byron Commerce Dr, SW, Byron Center, MI 49315 expressing that he did not want the garage placed that close to the property line.

Mr. Richard Penning, 584 Forty Fourth St Se, Grand Rapids, MI 49548, stated that he did not feel the VanderLaan's had shown a hardship for the requested variance.

Discussion moved to the Board. The old garage was 3 ft off North side and 3 ft off West side. A smaller garage could be built within the required 7 ft. Bob Jones, PCI, suggested that since the discussion continued to return to the 3 ft versus 7 ft setbacks, a compromise could be reached at 5 ft.

Motion by Alderink, seconded by Merren to approve the variance with the following conditions:

1. The garage would have a 3 ft setback on the West side.
2. The garage would have a 5 ft setback on the North side.
3. The garage would match the house in looks.

This decision is based on the following matters:

- a. strict enforcement of the ordinance would create practical difficulties for the owners
- b. special conditions exist on the land which are not the same on other parcels
- c. strict enforcement of the ordinance standards would deprive the owners of their property rights
- d. granting the variance will not harm neighboring properties
- e. the circumstances of this request are not caused by the owners

Roll call vote: Aye: Alderink, Gould, Merren, Skinner, Wright
Nay: None
Absent: Hooker

All Ayes/ Motion Carried

(B) Heible Variance Request – Parcel # 0313-080-007

Secretary Gould read the official Notice as it was published. Relief is being sought from Section 7.04(b) of the Leighton Township Zoning Ordinance. Said section relates to side yard and rear yard requirements.

Mike Heible presented his plans to tear down the existing house and garage, and build a two story with walkout basement. It would not meet the required set backs.

Chairman Wright opened the public hearing at 9:02 pm:

Neighbor Chris Hoekwater would like to see the house built. They are good kids and are looking forward to them being neighbors. The setbacks they are requesting issue no problems to the Hoekwaters.

Pubic Hearing was closed at 9:07 pm

Discussion moved to the Board. The lot is 49 ½ ft. If the house was built at 40 ft, it could have 9 ½ ft of open space, which would have the required 3 ft side yard set back that has been allowed in other similar cases and 6 ½ foot of the other property line. Depending on size, the house could be out of line with other homes in the area.

Since Mike Heible was not planning to build in the near future, he should get his mortgage information and find the Title Policy that would give the information on the possible easement along the edge of the lake which would affect the available setbacks. The Board also informed Mr. Heible that a variance is good for one year.

Motion by Skinner, seconded by Alderink to table this Variance Request until a later date.

Roll call vote: Aye: Gould, Alderink, Merren, Skinner, Wright
Nay: None
Absent: Hooker

All Aye/Motion Carried

Art. 6 Unfinished Business –

Discussion ensued with the Board about the By-Laws for the ZBA. Changes were presented and there will be more information regarding similar by-laws mailed to the members of the ZBA. Tabled for next meeting.

Art. 7 Public Comments – None

Art. 8 Board Member Comments- None

Meeting adjourned at 9:55 pm.

Respectfully submitted,
Shari Harmon, Recording Secretary