

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FEBRUARY 18, 2010**

Charles Gilson called the meeting to order at 7:00 p.m.

Members present: Shirley Bruin, Marvin Bennink, Mary Gavin, Clifford Bronkema and Charles Gilson

The minutes of the January 21, 2010 meeting were approved as presented.

1. Suzanne Vander Molen is requesting a variance from Section 17.06(c) – Restoration and Repair, of the Tallmadge Township Zoning Ordinance, for the purpose of being able to rebuild a duplex in the event it is destroyed in accordance with this Section. This is for parcel number 70-10-26-126-043 which is zoned R-1 and is located at O-10919 12th Avenue. This item had been postponed at the January 21, 2010 meeting.

Charles Gilson explained that the meeting was postponed to give everyone a chance to look over the situation.

Dan Burrill, realtor for the applicant, gave six findings of facts for the Zoning Board of Appeals to consider (see attached).

Shirley Bruin asked if this was a loan issue. Mr. Burrill responded that the mortgage company has an issue with the Township's Zoning Ordinance Section 17.06 (c), which states, "Should any nonconforming structure be destroyed by any means whatsoever to an extent of more than fifty percent (50%) of its replacement costs, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance."

Marvin Bennink clarified that the problem is that they want to be able to rebuild as a duplex. They said everything hinges on the 50% rule and added that the parcel has 196.5 feet of frontage. Mr. Gilson asked Mr. Burrill to go over #6 of the finding of facts.

Mrs. Vander Molen said she cannot sell her property and feels the zoning ordinance requirement creates a hardship for her. She added that when she bought the duplex it was allowed as such.

Jim Hunter asked what would happen if the variance was granted. Mr. Gilson said the Zoning Board of Appeals options are limited due to the Zoning Ordinance criteria.

Clifford Bronkema moved, Mary Gavin supported, to approve the request. Ayes: Clifford Bronkema and Mary Gavin. Nays: Marvin Bennink, Shirley Bruin and Charles Gilson. Variance DENIED.

Meeting Adjourned at 7:33 p.m.

Respectfully Submitted,

Denise L. Somers, Administrative Assistant