

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 17, 2008**

Charles Gilson called the meeting to order at 7:30 p.m.

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

Member Absent: Matthew Fenske

The minutes of the November 8, 2007 meeting were approved as presented.

1. Lexie Wagoner is requesting a variance from Section 7.04(b) – Area Regulations, Front Yard, for a house addition. This parcel number 70-10-14-374-013 is located at O-12109 14th Avenue and is zoned R-1.

The meeting opened to the public.

Lexie Wagoner said she has a small kitchen in the front of the house; there is no room for a kitchen table. She would like to add to the kitchen and add a closet. She would also like to add on to the second story and convert some attic space.

Charles Gilson said the house is currently non-conforming. Currently the township requires a 75 foot front yard set back. Since the house was built in approximately 1932, no minimum setback existed at the time the house was constructed. Mr. Gilson added that the proposed addition is even with the closest point of the dwelling to the easement. Mark Raymond, proposed builder for the request, confirmed that the addition would be even with the current front door. He added that they would like to change the pitch of the roof also.

The meeting closed to the public.

Mary Gavin moved, Clifford Bronkema supported, motion CARRIED to APPROVE the request based on the fact the dwelling will be no closer to the road than it is currently and the following:

(d) **Standards for Review - Dimension Variance.** For a dimension variance, the Board of Appeals must find that all of the following facts and conditions exist.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.

We believe the age of the dwelling, which predates our zoning ordinance, is very unique and highly unlikely to be applied to most other lands in the same district. Thus, the age of the dwelling itself is an exceptional or extraordinary circumstance. While there are other homes in the township with a similar age (including Sommerdyke and Prangley), they are very rare. Consequently, their circumstances do not apply generally to other properties.

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

The variance is necessary to construct an addition to the dwelling, which other property owners in the same district are entitled to construct.

3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

We do not believe that granting the variance will be of substantial detriment to adjacent property nor do we believe it will materially impair the intent and purpose of our Ordinance or the public interest, as the proposed addition is a permitted use in the district and it generally does not further encroach upon the existing front yard setback (except for a porch addition).

4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

We believe that the position of the dwelling, which is entirely within the front yard setback, is not so generally or recurrent in nature to make reasonably practicable any new provision to the Ordinance, despite two recent cases prior to this request.

5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

We do not believe that the exceptional or extraordinary circumstances are self-created, as the dwelling is over 70 years old and predated any zoning regulations in the township. As a result, the dwelling happens to be located entirely within the front yard setback. Thus, any addition requires a variance, which is not a result of the applicant.

Ayes: Shirley Bruin, Mary Gavin, Clifford Bronkema and Charles Gilson. Nays: none.

Meeting Adjourned at 7:50 p.m.

Respectfully Submitted,

Denise L. Somers, Administrative Assistant