

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 21, 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 December 17, 2009 meeting were approved as presented.

1. Robert Rodenhouse is requesting a variance from Section 3.02(b) – Accessory Uses and Buildings, Minimum Setbacks, to allow an accessory building without a dwelling. This is for parcel number 70-10-26-400-014 which is zoned R-2 and is located at O-10543 8th Avenue.

At the December 17, 2009 Zoning Board of Appeals meeting, the Board considered a request from Mr. Rodenhouse for a variance from Section 3.02 (f) and 3.02 (i) 2 for the purpose of combining two lots and allowing the resulting excess of accessory building area and for the location of an accessory building in the front yard. However, since Mr. Rodenhouse had changed his request at the last meeting, the request needs to be reconsidered with the appropriate Zoning Ordinance Sections. Mr. Rodenhouse had now requested to leave the parcels separate, which would require a variance from Section 3.02(b), which prohibits an accessory building without a dwelling. Therefore, the request was re-noticed with the appropriate Section.

The meeting opened and closed to the public with no comment.

Mary Gavin moved, Marvin Bennink supported, motion CARRIED to APPROVE the request for an accessory building on a parcel without a principal building. This variance is approved due to the fact the building is grandfathered in, and the dwelling on the property was destroyed by means not in control of the owner. It is an exceptional occurrence for a structure to explode and be destroyed beyond repair. In the instance the house exploded and there was no accessory building existing, no variance would be needed. Mr. Rodenhouse did not cause the destruction of the single family dwelling and remains entitled to the surviving structure since the hardship was not self-created. Ayes: Shirley Bruin, Marvin Bennink, Mary Gavin, Clifford Bronkema and Charles Gilson. Nays: none.

2. 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.

Ms. Vander Molen said she bought this duplex approximately 23 years ago. She recently tried to sell the duplex and the bank would not lend to the prospective buyer unless the township would allow the duplex to be rebuilt in the event it was destroyed.

The meeting opened to the public.

Dan Burrill, Ms. Vander Molen's realtor, referred to the list of signatures from neighbors in support of the request they had submitted. He understands they will need to meet the criteria of Section 21.07. He then explained that the financial world is such that the banks will not lend for this duplex as a non-conforming use if it cannot be rebuilt in the event it was destroyed. Dennis Grieve, another realtor, reiterated what Mr. Burrill had said, however he added that the sale cannot be completed as is unless it was a cash sale.

Marvin Bennink asked if they had exhausted all lenders. The realtor answered that he had checked with four different lenders and got the same response. Shirley Bruin explained that if the duplex were destroyed it could be rebuilt as a single family residence. Marvin Bennink understands the applicants situation, however it appears to be a lender issue rather than a township issue.

The potential buyer said that even if they could get a lender, she would not buy the property if it could not be rebuilt as a duplex. She is not interested in a single family residence. Mr. Gilson said he has tried to figure out a way to allow this, but it does not fit the criteria for the Zoning Board of Appeals to be able to grant it. The property is zoned for single-family residential and it could be rebuilt as such.

Marvin Bennink said Ms. Vander Molen has been a good neighbor, however the ZBA needs to protect the neighbors. Ms. Vander Molen said she does rent to Grand Valley students, however she lives on the other side of the duplex so she does not allow the house to be ruined.

Mary Gavin moved, Clifford Bronkema supported, motion CARRIED to POSTPONE the request for one month in order to allow the applicant time to pursue/check into other options or avenues. Ayes: Shirley Bruin, Clifford Bronkema and Mary Gavin. Nays: Charles Gilson and Marvin Bennink.

Meeting Adjourned at 7:55 p.m.

Respectfully Submitted,

Denise L. Somers, Administrative Assistant