

**TALLMADGE CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 30, 2010**

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

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

Member absent: Mary Gavin

The minutes of the February 18, 2010 meeting were approved as presented.

1. Robert Kemp is requesting a variance from Section 7.04(b) – Area Regulations, Front Yard and Section 7.04(c) Area Regulations, Side Yard, for the purpose of being able to rebuild a detached garage since it was destroyed by fire. This is for parcel number 70-10-07-303-007 which is zoned R-1 and is located at 4690 Leonard Street.

The property is currently zoned as R-1 Single Family Residential. The minimum lot width in the R-1 District is 120 feet and the minimum lot area is one acre. The property in question has a width of 89.17 feet and an area of approximately 0.55 of an acre. As a result, the parcel is nonconforming by width and area.

The applicant seeks to reconstruct the unattached garage in the exact same location, which does happen to be located in the side yard. This location in the side yard is compliant with the restriction that accessory buildings must be located in the side or rear yard in accordance with Section 3.02(f) – Accessory Uses and Buildings, Minimum Setbacks. In addition, the unattached garage is approximately 12 feet from the existing dwelling, which is compliant with the minimum of ten feet required by Section 3.02(e) – Accessory Uses and Buildings, Distance Between Accessory Buildings.

The applicant has considered relocating the unattached garage further to the rear of the property to avoid the need for variances but is restricted by the location of his well and drain field. In addition, locating a garage in the rear of the property generally defeats the purpose and convenience of close proximity to the dwelling and would require additional driveway construction.

As a result, the variance from Section 7.04(b) is sought to allow the unattached garage to exist at approximately 42 feet from the right-of-way, which would be a variance of eight feet from the minimum of 50 feet required by the R-1 District. The variance from Section 7.04(c) is sought to allow the unattached garage to exist at approximately 1.8 feet from the side yard, which would be a variance of 8.2 feet from the minimum of ten feet required.

Marvin Bennink asked Mr. Kemp about the build-to line. Mr. Kemp said he would like to rebuild on the existing slab which would also allow access to the well and drain field. Two neighbors of Mr. Kemp came in support of the request.

The Zoning Board of Appeals reviewed the criteria for the request.

Shirley Bruin moved, Clifford Bronkema supported, motion CARRIED to APPROVE the request to rebuild with both the front and side yard variance, due to the fact the building was destroyed by fire which was not caused by the applicant, nor was the creation of the narrow parcel, therefore, this is a unique circumstance. Ayes: Shirley Bruin, Marvin Bennink, Clifford Bronkema and Charles Gilson. Nays: none.

Meeting Adjourned at 7:15 p.m.

Respectfully Submitted,

Denise L. Somers, Administrative Assistant

