

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 18, 2005**

Toby Van Ess called the meeting to order at 7:30 p.m.

Members present: Shirley Bruin, Toby Van Ess, Clifford Bronkema and Mary Gavin

Member Absent: Charles Gilson

The minutes of the May 19, 2005 meeting were approved as presented.

1. Allied Construction is requesting a variance for the front yard setback due to the construction of a new dwelling as a result of a fire that destroyed an existing dwelling. This parcel number 70-10-26-127-004 is located at 0-1276 Lake Michigan Drive. The parcel is owned by John and JoAnn Kremm and is zoned R-1.

Steve Lindberry of Allied Construction said he turned the proposed house to face Lake Michigan Drive, and can then meet the 75' setback for the front, and also the 50' required rear yard setback. He submitted a site plan indicating an 11' west side yard setback. The variance then needed would be the east side, since this is a corner lot; the Zoning Ordinance requires this to also be 75'. The site plan with the proposed house shows a 57' side setback on 10th Avenue. The house that had been there which had burned down had a 29' setback on that side, so the proposed is closer to our requirements.

Toby Van Ess noted that two letters were received. The Zoning Board of Appeals members agreed that the letters were not pertaining to the variance request and asked that they be referred to the Zoning Administrator.

The meeting opened to the public.

Mrs. Bing said she is in favor of the request. She lives two houses over, and she said that three other neighbors she spoke with were in favor of the request. Robert Marz Jr. of 0-1278 Lake Michigan Drive said he is also in favor of the request. Another neighbor said the house had been at a 29' setback, and he was fine with that. The proposed house is set back further, and he was not opposed to that either.

Mr. Lindberry said he feels criteria #1 of Section 21.07 applies, otherwise the parcel would be unbuildable, and there was a house on it for many years that down burned down, also, #2, since the circumstances on which the variance request is based do not result from the actions of the applicant.

Clifford Bronkema pointed out that the parcel is grandfathered in and that size parcel would not be allowed to be created with the current requirements.

Toby Van Ess is concerned about the proposed 11' side yard set back on the west side. Although it meets our requirements, he would prefer the house be located closer to 10th Avenue, which is also what the applicants desire. The old house had the garage on the south side; the proposed is for the garage to be on the north side.

Mary Gavin moved, Clifford Bronkema supported, motion CARRIED to APPROVE the request as proposed for the north and south sides (front and rear), however, with the east side set back to be 50' from 10th Avenue right-of way, allowing more of a side yard setback on the west side. Ayes: Shirley Bruin, Toby Van Ess, Clifford Bronkema and Mary Gavin. Nays: none.

2. Thomas Post is requesting a variance for the setbacks for the proposed construction of a detached garage at 0-11175 Thomas Street. This parcel number 70-10-25-201-001 is owned by Christi Hudson and is zoned R-1.

Ms. Hudson said she would like a two stall garage and they are proposing a 46' setback from Lake Michigan Drive. She feels criteria #3 of Section 21.07 applies, because other people can have a garage. She also feels that criteria #6 applies.

Mary Gavin asked why they did not want an attached garage. Ms. Hudson said that would require digging up the driveway. Shirley Bruin noted that the property has public water and sewer, so they do not have a drainfield, leaving more room for a garage, possibly in the rear yard. Mrs. Post said the proposed location is the most logical without going through additional expense. Toby Van Ess said he would prefer that other options were looked at. Ms. Hudson said there is an existing shed and swing set on the property. They are looking at convenience and cost. The proposal would not interfere with the existing tree, shed and swing set. It would also serve as a buffer between the house and Lake Michigan Drive.

Toby Van Ess said if there is another option without a variance, that is what needs to be looked into. He is especially concerned about the proximity to Lake Michigan Drive, since that is a State road. Mr. Van Ess also pointed out Section 3.27, Substandard Lots, and would like Greg Ransford, Township Planner, to clarify how this might apply to this parcel. Mary Gavin referred to the variance granted in 2001 for the house to be built, and noted the calculated setback indicated at that time was 53' from Lake Michigan Drive right-of-way.

Toby Van Ess suggested that the applicant build straight back from the driveway, which would leave at least 53' setback from Lake Michigan Drive, and set the garage 10' from the house, which is required, and that would still leave about 15' for a rear yard setback.

Mary Gavin moved, Clifford Bronkema supported, motion **CARRIED** to **TABLE** the request pending Mr. Ransford's confirming the Zoning Board of Appeals interpretation of allowing a reduced setback per Section 3.27 b.1. and verification from MDOT that they would approve that setback. If these two items receive a positive response, the applicant would not need to come back to the Zoning Board of Appeals if they built per Mr. Van Ess's suggestion. Ayes: Shirley Bruin, Toby Van Ess, Clifford Bronkema and Mary Gavin. Nays: none.

Meeting Adjourned at 8:45 p.m.

Respectfully Submitted,

Denise L. Lanting, Secretary